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Journals of the Legislature

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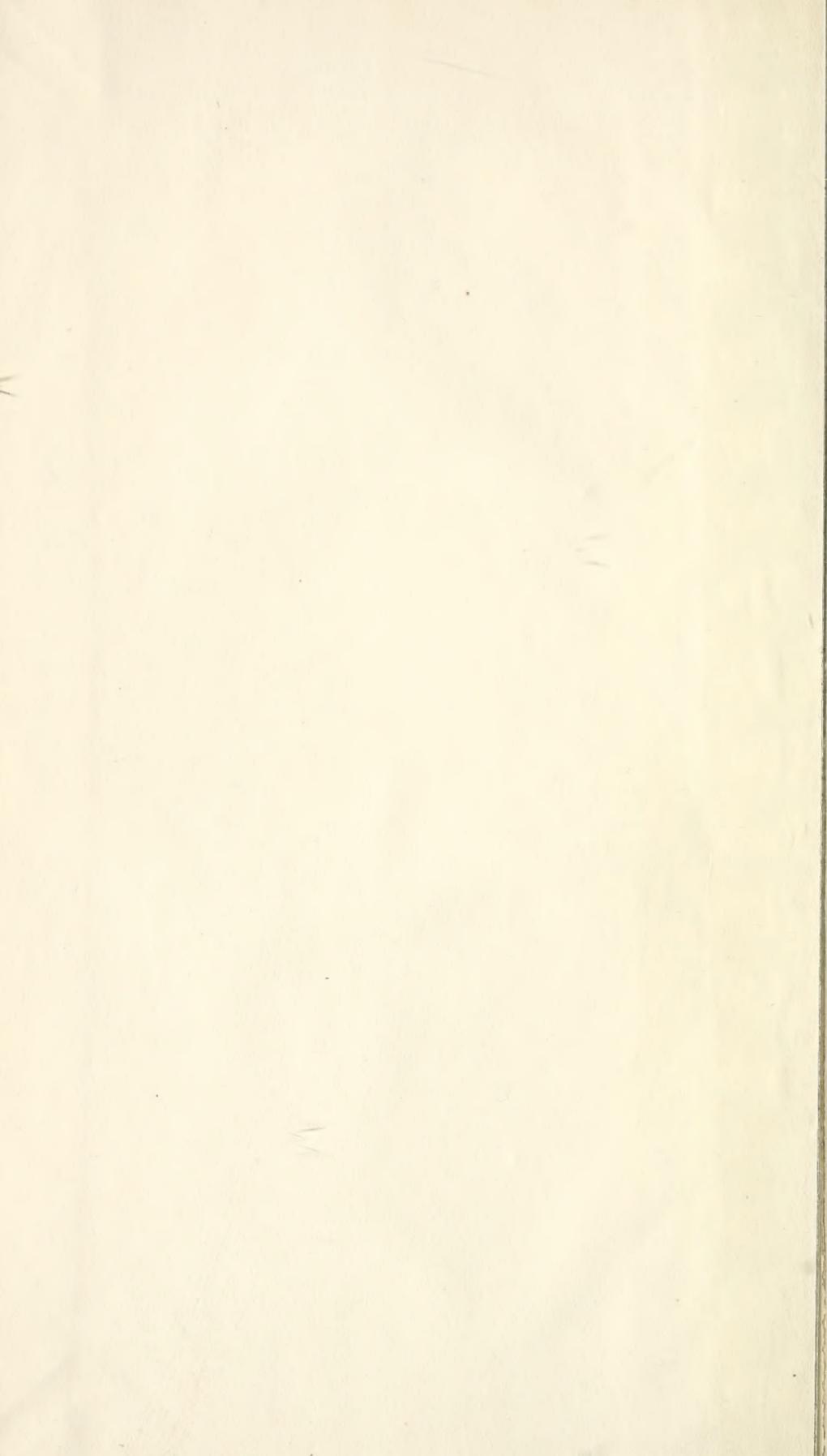
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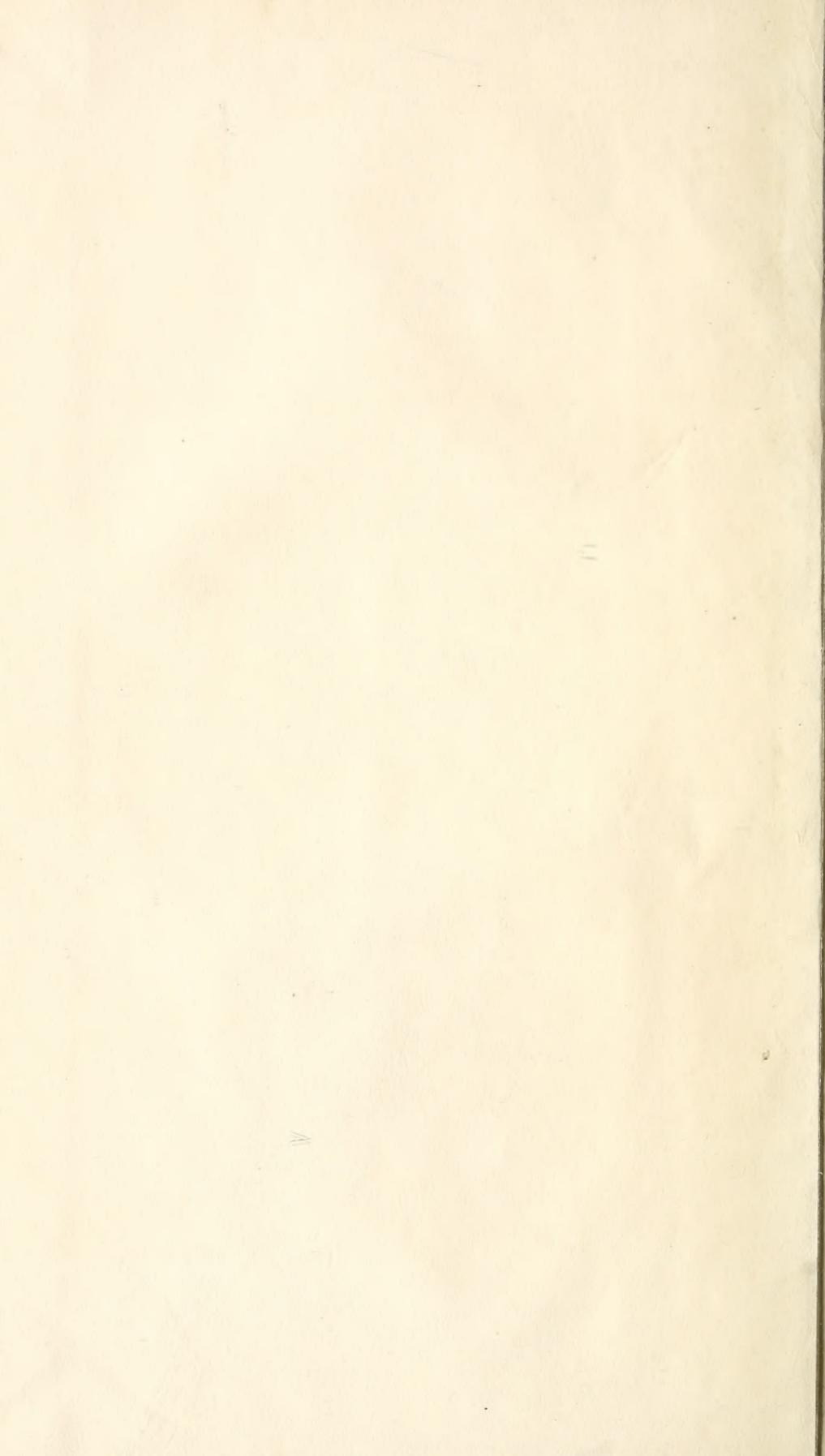
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A faint, light gray watermark of the United States Capitol building is centered in the background. The building features a prominent pedimented portico with four Corinthian columns supporting a triangular pediment.

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JOURNALS

OF THE

**SENATE AND HOUSE OF COMMONS,**

OF THE

**GENERAL ASSEMBLY**

OF

**THE STATE OF NORTH-CAROLINA,**

**At its Session in 1823.**

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RALEIGH:

PRINTED BY J. GALES & SON.—STATE PRINTERS.

1824.



## JOURNAL OF THE SENATE.

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At a General Assembly, begun and held in the City of RALEIGH, on Monday, the seventeenth day of November, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the INDEPENDENCE OF THE UNITED STATES OF AMERICA: It being the first Session of this General Assembly.

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The Returning Officers of the several Counties, certified that the following persons were duly elected to represent the Counties in the Senate, respectively, to wit:

For Anson County, Wm. Marshall,  
Ashe, Elijah Callaway,  
Beaufort, Jas. O. K. Williams,  
Bertie, George B. Outlaw,  
Bladen, Daniel Shipman,  
Brunswick, John C. Baker,  
Buncombe, Philip Brittain,  
Burke, James R. M'Dowell,  
Cabarrus, John Phifer,  
Camden, Caleb Perkins,  
Carteret, Andrew Wilson,  
Caswell, Bartlett Yancy,  
Chatham, Robert Marsh,  
Chowan, Wm. Bullock,  
Columbus, Thomas Frink,  
Craven, Lachlin Bethune,  
Cumberland, Thomas C. Ferebee,  
Currituck, Alex. R. Caldcleugh,  
Davidson, Jeremiah Pearsall,  
Duplin, Hardy Flowers,  
Edgecombe, Abraham Harrell,  
Franklin, Wm. M. Sneed,  
Gates, Jesse Speight,  
Gravville, Jonathan Parker,  
Gr<sup>o</sup>,  
Guilford, Thomas Love,  
Halifax, David E. Sumner,  
Haywood, David Gibbs,  
Hertford, John M'Leod,  
Hyde, Durand Hatch,  
Johnston,  
Jones,

For Iredell County, Alex. Torrence,  
Lenoir, Nathan B. Whitfield,  
Lincoln, Daniel M. Forney,  
Martin, Lewellen Bowers,  
Mecklenburg, Michael M'Leary,  
Montgomery, James Legrand,  
Moore, Wm. Jackson,  
Nash, Wm. W. Boddie,  
New-Hanover, Thomas Devane,  
Northampton, John Peebles,  
Onslow, Duncan Cameron,  
Orange, John Pool,  
Pasquotank, Willis Riddick,  
Perquimons, Robert Vanhook,  
Person, Luke Albritton,  
Pitt, Alexander Gray,  
Randolph, Stephen Wall,  
Richmond, M. D. Murphey,  
Robeson, Nathaniel Scales,  
Rockingham, James Martin, jr.  
Rowan, Elias Alexander,  
Rutherford, Edward C. Gavin,  
Sampson, John Hill,  
Stokes, Solomon Graves,  
Surry, John Beasley,  
Tyrrell, Henry Seawell,  
Wake, M. T. Hawkins,  
Warren, Richard B. Hatch,  
Washington, James Wellborn,  
Wayne,  
Wilkes,

In pursuance of which Certificates, the following gentlemen appeared, were qualified agreeably to law, and took their seats, to-wit: William Marshall, Elijah Callaway, James O. K. Williams, Geo. B. Outlaw, Daniel Shipman, John C. Baker, Philip Brittain, Jas. R. M'Dowell, John Phifer, Caleb Perkins, Andrew Wilson, Bartlett Yancy, Robert Marsh, Wm. Bullock, Thomas Frink, Lachlin Beethune, Thomas C. Ferebee, Alexander R. Caldcleugh, Jeremiah Pearsall, Hardy Flowers, Abraham Harrell, Wm. M. Sneed, Jesse Speight, Jonathan Parker, Thomas Love, David E. Sumner, David Gibbs, John McLeod, Durant Hatch, Alexander Torrence, Nathan B. Whitfield, Daniel M. Forney, Lewellen Bowers, Michael McLeary, James Legrand, Wm. Jackson, Wm. W. Boddie, Thomas Devane, John Peebles, Duncan Cameron, John Pool, Willis Riddick, Robert Vanhook, Luke Albritton, Alexander Gray, Stephen Wall, Murdock D. Murphey, Nathaniel Scales, James Martin, jr. Elias Alexander, Edward C. Gavin, John Hill, Solomon Graves, John Beasley, Henry Seawell, Micajah T. Hawkins, Richard B. Hatch, and James Wellborn.

On motion of Mr. Cameron, Bartlett Yancy, Esquire, the member of this House from the county of Caswell, was unanimously chosen Speaker of the Senate, and conducted to the Chair accordingly.

On motion of Mr. Speight, Benjamin H. Covington, was appointed Clerk of the Senate, and James W. Clark, Clerk Assistant.

On motion of Mr. Vanhook, Thomas B. Wheeler and Robert Ray were appointed Door-keepers of the Senate.

On motion of Mr. Wellborn, a message was sent to the House of Commons, informing them of the organization of the Senate, by the appointment of Bartlett Yancy, Esquire, Speaker, Benjamin H. Covington, Clerk, and James W. Clark, Clerk Assistant, Thomas B. Wheeler and Robert Ray, Door-keepers, and of their readiness to commence their public duties.

On motion of Mr. Wellborn, it is ordered, that a committee, consisting of five members, be appointed to draw Rules of Decorum for the government of the Senate; and Messrs. Wellborn, Cameron, Hill, Sneed, and Gray, were appointed to compose the said committee.

The Senate adjourned until to-morrow morning, 10 o'clock.

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Tuesday, November 18, 1823.

The Senate met agreeably to adjournment.

On motion of Mr. Wellborn, it is ordered, that the Rules of Decorum, adopted for the government of the Senate, at the last session of the Legislature, be adopted for the present session, until the committee appointed for this purpose shall make their report.

Received from the House of Commons, a message, stating the due organization of that House, by the appointment of the Honorable Alfred Moore, Speaker, Pleasant Henderson, Clerk, and William

**B. Lockhart, Clerk Assistant, and John Lumsden and Richard Roberts Door-keepers ; and that they are also ready to proceed to the dispatch of public business.**

Received from the House of Commons, a message, proposing that a joint select committee be appointed to wait on His Excellency the Governor, and inform him of the organization of the two Houses, and of their readiness to receive any communications which he may think proper to make to them ; and appointing Messrs. Alston, Leonard, and Baker, as a committee on the part of that House, which proposition was read and agreed to ; and Messrs. Love, Gavin, and Baker, were appointed to form the said committee on the part of the Senate.

**Mr. Seawell presented the following resolution :**

*Resolved*, That Joseph Gales & Son, be permitted to report the proceedings of the Senate, during the present session of the General Assembly, in the character of Stenographers ; and for that purpose, a suitable situation be assigned them by the Speaker.

Which resolution was agreed to.

Received from the House of Commons, a message, proposing that a joint select committee be appointed to prepare joint rules for the government of the two Houses ; and appointing on the part of that House, Messrs. Fisher, Mann, and Strange, which proposition was agreed to ; and Messrs. Cameron, Seawell, and Hatch, of Jones, were appointed to form the committee on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot immediately, for three Engrossing Clerks, and nominating Thomas T. Armstrong, Charles G. Rose, Isaac Newbery, Samuel F. Patterson, David Mock, John Vanhook, David Tate, Joshua E. Lumsden, Joseph Ramsay, Charles Hunter, Thomas Hearne, Benjamin D. Rounsville, Thomas G. Stone, George Mordecai, William M. White, Donald R. McLeod, James Campbell, and John C. Ehringhaus, which proposition was read and agreed to, and Mr. Wall and Mr. Outlaw, were appointed superintendants of the balloting on the part of the Senate.

**Mr. Love**, from the committee appointed to wait on His Excellency the Governor, reported, that the committee were authorised by His Excellency to state, that he would make a communication to the Legislature at 12 o'clock to-morrow.

Received from the House of Commons, a message, stating that Mr. Ward and Mr. Williamson attend the Senate as a committee on the part of that House, to superintend the balloting for three Engrossing Clerks.

**Mr. Outlaw**, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported, that Samuel F. Patterson was duly elected, and that no other person in nomination had a majority of votes ; which report was concurred in.

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Mr. Wilson presented the resignation of William Hill, Justice of the Peace of Carteret county.

Mr. Wellborn presented the resignation of Samuel Johnson, Justice of the Peace for the county of Wilkes ; and

Mr. Vanhook presented the resignation of John Day, Colonel Commandant of the militia of Person county ; which resignations were severally read and accepted by the Senate, and sent to the House of Commons.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Wednesday, November 19, 1823.*

The Senate met agreeably to adjournment.

Mr. Sneed presented the resignation of James H. Harris, a Justice of the Peace for the county of Granville ; and

Mr. Frink presented the resignations of Elisha Sellers and John Gore, as Justices of the Peace for the county of Columbus ; which were severally read and accepted, and sent to the House of Commons.

On motion of Mr. Wilson, a message was sent to the House of Commons, proposing to ballot immediately for two Engrossing Clerks, yet to be elected.

Received from the House of Commons, a message, consenting to ballot immediately for two Engrossing Clerks, as proposed by the Senate ; and stating that the name of Charles G. Rose is withdrawn from the nomination, and that Mr. Clancy and Mr. Sellers are appointed a committee to conduct the balloting, on the part of that House.

Whereupon Mr. Sumner, and Mr. Hatch, of Jones, were appointed superintendants of the balloting, on the part of the Senate.

Mr. Sumner, from the committee appointed to conduct the balloting for two Engrossing Clerks, yet to be elected, reported that no person in nomination had a majority of the votes.

On motion of Mr. Callaway, a message was sent to the House of Commons, proposing that a further balloting for the Engrossing Clerks, immediately take place, and stating that the name of David Mock is withdrawn from the nomination ; and a message was received from the House of Commons, in answer thereto, stating their agreement to ballot immediately for the two Engrossing Clerks, yet to be elected ; that the names of Thomas Hearne and George Mordcaï are withdrawn from the nomination, and that Mr. Robert A. Jones and Mr. M. W. Campbell, attend on their part to receive the ballots. Thereupon Mr. Graves and Mr. Hawkins, were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message from His Excellency the Governor, indorsed in that House, read, and ordered to

be printed; which being read in the Senate was also ordered to be printed,

The Senate adjourned until to-morrow morning, 10 o'clock.

*Thursday, November 20, 1823.*

The Senate met agreeably to adjournment.

Mr. Graves, from the committee appointed to conduct the balloting for two Engrossing Clerks, yet to be elected, reported that no person in nomination had received a majority of the votes.

John H. Bryan, the Senator from the county of Craven, and Edward Ward, the Senator from the county of Onslow, appeared, produced the certificates of their election, were qualified, and took their seats.

Mr. Wellborn, from the committee appointed to draw up rules of order for the government of the Senate, reported the following, to wit:

I. When the Speaker takes the Chair, each member shall take his seat, and on the appearance of a quorum, the journal of the preceding day shall be read.

II. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question without leave of the House; and when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing or passing between him and the Chair.

III. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

IV. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it, to commit it, to let it lie on the table, or to adjourn.

V. Questions on bills and resolutions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "As many as are of opinion, that (as the case may be) say Aye;" and after the affirmative voice is expressed, "as many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speak-

er shall call on those in the affirmative of the question to rise from their seats, and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being reported, he shall state the division to the House and announce its decision. No member shall be permitted to enter his yea or nay unless he be within the bar of the Senate at the time the question is put from the Chair, unless by leave of the Senate.

VI. When any member shall make a motion which is not of course, he shall reduce the same to writing if required.

VII. In all cases of ballot, by the House, the Speaker shall vote; and when, on a division, there shall be an equal number of votes, the Speaker shall decide the question; in no other case shall he vote, unless his vote, if given to the minority, will make the division equal, and when an equal division is produced by the Speaker's vote, the question shall be lost.

VIII. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

IX. Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and the petition, memorial, or other paper, shall not be read unless so ordered by the House.

X. A bill or resolution for the appropriation of public money, shall be read the first time for information, and upon this reading, shall not be subject to amendment, but may be amended on the second or third reading.

XI. All bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

XII. When a question has been once decided, it shall be in order for any member of the majority to move for the reconsideration thereof on the same, or succeeding day.

XIII. The Speaker shall examine and correct the journal before it is read. He shall have the general direction of the Hall; he shall designate the members who shall compose select committees, except when otherwise ordered; and the select committees of this House shall consist of five members; he shall also appoint the superintendents on all balloting committees.

XIV. There shall be appointed by the Senate a committee of Propositions and Grievances, a Committee of Privileges and Elections, and a Committee of Claims, consisting of eight members, one to be selected from each old Judiciary District.

XV. When the House resolves itself into a committee of the whole, the Speaker shall leave the Chair and appoint a Chairman, and when, upon any other occasion, the Speaker wishes to leave the Chair, he shall appoint a Speaker pro tem.

XVI. When any petition, memorial, or other paper, addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

XVII. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, or Chairman of the committee of the whole House, shall have power to have the same cleared.

XVIII. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State resident at the Seat of Government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the hall of the Senate.

XIX. Any member dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

XX. When the private interests of a member are concerned in a bill, question, or resolution, he is to withdraw, and he is not to be a member of the committee to which such bill, question, or resolution may be referred.

XXI. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

XXII. On motion for adjournment, the question shall be decided without debate.

The foregoing being read, it was *resolved*, that the Senate do concur therewith; and

On motion of Mr. Wellborn, it was ordered that the same be printed, one copy for each member of the Senate.

On motion of Mr. Wellborn, the Senate proceeded to the appointment of standing committees, which were made as follows:

On the Committee of Claims---Messrs. Love, McLeary, Hawkins, Baker, Jackson, Riddick, Vanhook, and Speight.

On the Committee of Propositions and Grievances---Messrs. Forney, Graves, Peebles, Frink, Wall, Sumner, Sneed, and Williams.

On the Committee of Privileges and Elections---Messrs. Callaway, Hill, of Stokes, Bowers, Pearsall, Gavin, Outlaw, Marsh, and Bryan.

Mr. Cameron presented the following resolutions, which were read and agreed to.

1. Resolved, that so much of the Governor's Message as relates to the Public Roads and Internal Improvements, be referred to a select committee.

2. That so much of the said message as relates to Agriculture, be referred to a select committee.

3. That so much of the said message as relates to the Criminal Laws, and the administration of them, be referred to a select committee.

4. That so much of the said Message as relates to the Public Lands acquired by treaty with the Cherokee Indians, be referred to a select committee.

Mr. Snead presented the following resolution, to wit :

*Resolved*, that a select committee be appointed on Education.

Which was read and agreed to.

Received from the House of Commons, a message, proposing that a balloting immediately take place, for the two Engrossing Clerks, yet to be elected, and stating that Mr. Turner and Mr. J. A. Hill, wait on the Senate as a committee to conduct the balloting, on the part of that House ; which proposition was agreed to, and Mr. Outlaw and Mr. Hawkins, were appointed superintendants of the balloting on the part of the Senate.

Mr. Hawkins, from the committee appointed to conduct the balloting, for two Engrossing Clerks, reported that no person in nomination had received a majority of the votes. Thereupon,

On motion of Mr. Love, a message was sent to the House of Commons, proposing that a further balloting immediately take place, and a message was received from that House in answer thereto, consenting to ballot immediately, as proposed by the Senate, and appointing Mr. Wilkins and Mr. Webb a committee to conduct the balloting on their part—and stating that the names of Isaac Newberry, John Vanhook, William M. White, Joseph Ramsay, and Charles Hunter, are withdrawn from the nomination ; and the foregoing being read, Mr. Hill and Mr. Pearsall were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, the Report of the joint committee appointed to prepare and report Joint Rules for the Government of the two Houses, which was concurred with in that House, and are as follows :

I. Each House shall perfect and finally act on all bills, resolutions, and orders, before the same shall be communicated to the other for its concurrence, and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

II. In any case of amendment of a bill or resolution, agreed to in one House, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer ; such committee shall consist of an equal number of members of each House, and shall, at a convenient time and place to be agreed on, meet and state to each other, the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing, to their respective Houses, of the result of their conference.

III. Messages from one House to the other, shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

IV. When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the Door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

V. After a bill shall have passed the House in which it shall have originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

VI. After a bill shall have passed both Houses, it shall be duly enrolled on suitable paper, by the Engrossing Clerks, before it shall be presented for ratification.

VII. When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate, and four from the House of Commons, appointed as a committee for that purpose, whose duty it shall be, carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, and make their report of the said bills, to the House.

VIII. After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

IX. All orders, resolutions, and votes, of the two Houses, shall be examined, engrossed, and signed, in the same manner as bills.

X. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

XI. The committee in each House, shall, in all cases make a statement of facts on which their report is founded, which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

XII. The committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former Judicial districts.

XIII. The Library committee shall be a joint standing committee, consisting of three members from each House, appointed by the Speakers thereof, respectively.

XIV. Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: one copy thereof to each Member of the General Assembly; one copy to the Clerk of each House, for the use thereof, and ten copies shall be deposited in the Public Library.

The foregoing being read, Mr. McLeod moved to strike out the first Rule thereof; and the question thereon was determined in the negative. The question then recurred on the adoption of the Rules, and the same were agreed to: And,

On motion of Mr. Vanhook, ordered to be printed.

Received from the House of Commons, the following resignations, which were read and accepted in that House, to wit: the resignations of Henry Carter, Hyder A. Rogers, William Ward, and Samuel Welsh, Justices of the Peace of Stokes county; also, the resignations of J. Taylor, of Nash county, Wm Weathers, of Granville county, Demarcus Palmer, of Montgomery county, Thomas A. Word, of Surry county, and Andrew Duke, of Currituck county, Justices of the Peace; also, the resignation of K. Montgomery, Lieutenant Colonel of the Militia of Hertford county, which were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Friday, November 21, 1823.*

The Senate met agreeably to adjournment.

Mr. Hill, of Stokes, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported, that Thomas T. Armstrong was duly elected, and that no other person in nomination had received a majority of the votes; which report was concurred in; and,

On motion of Mr. Hill, of Stokes, a message was sent to the House of Commons, proposing that a further balloting immediately take place, for one Engrossing Clerk yet to be elected, and stating that the name of David Tate is withdrawn from the nomination.

Mr. Cameron presented the following resolution, to wit:

Whereas, the Honorable Wm. Norwood, Esquire, one of the Judges of the Superior Courts of Law and Equity of this State, was prevented, by extreme illness, from holding all the Courts in the Circuit to which he was allotted, this fall:

*Resolved*, that the Public Treasurer be, and he is hereby authorised and required to pay to the said Wm Norwood, the full sum he would have been entitled to receive from the Public Treasury, in like manner as if he had held all the Courts in the Circuit assigned to him; and for so doing this shall be his warrant.

Which resolution was read the first, second, and third time, and passed, and ordered to be engrossed.

Mr. Graves presented the following resolution, to wit:

*Resolved*, that a select committee of this House, be appointed on the militia laws and the public arms of the State.

Which was agreed to; and Messrs. Graves, Brittain, Williams, M'Leary and Ward, were appointed to compose the said committee.

Received from the House of Commons, a message, consenting to ballot for one Engrossing Clerk, as proposed by the Senate; and stating that the name of Benjamin D. Rounsville is withdrawn from the nomination, and that Mr. Graham and Mr. Shepherd are appointed superintendants of the balloting on the part of that House. And thereupon, Mr. Hatch, of Wayne, and Mr. M'Dowell, were appointed superintendants of the balloting on the part of the Senate.

On motion of Mr. Callaway, a message was sent to the House of Commons, proposing to ballot at the meeting of the two Houses, to-morrow morning, for a Public Printer, and nominating for that appointment, Joseph Gales & Son.

The following persons were appointed on the several select committees, ordered on the message of the Governor.

On Internal Improvement---Messrs. Cameron, Burgess, Legrand, Caldeleugh, and Hatch, of Wayne.

On Agriculture---Messrs. Hatch, of Jones, Phifer, Gray, Harrell, and Bethune.

On Criminal Law---Messrs. Martin, Wellborn, Bryan, Graves, and Shipman.

On the Cherokee Lands---Messrs. Seawell, Love, Forney, M'Leod, and Brittain.

And pursuant to the resolution presented by Mr. Sneed,

On Education---Messrs. Sneed, Hill, of Franklin, Whitfield, Ward, and Hill, of Stokes. And,

On the Library Committee---Messrs. Forney, Bryan, and Bullock.

Mr. M'Dowell, from the committee appointed to conduct the balloting for one Engrossing Clerk, yet to be chosen, reported, that no person in nomination had received a majority of the votes.

Received from the House of Commons, a message, proposing a further balloting for one Engrossing Clerk, yet to be chosen, which was agreed to, and Mr. Brittain and Mr. Pearsall, were appointed superintendants of the balloting on the part of the Senate.

On motion of Mr. Wellborn, the name of James Campbell was withdrawn from the nomination for Engrossing Clerk; and the House of Commons, was informed thereof by message.

Received from the House of Commons, a message, stating that Mr. Leonard and Mr. Smith attend the Senate as superintendants of the balloting for one Engrossing Clerk yet to be chosen; also a message stating that they do not agree to ballot to-morrow for Public Printer, as proposed by the Senate.

Mr. Pearsall, from the committee appointed to conduct the balloting for one Engrossing Clerk yet to be elected, reported that John C. Ehringhaus was duly elected; which report was concurred in.

Mr. Gray presented the petition of Jane Wilborn, of the county of Randolph, praying the passage of a law securing to her such estate as she may hereafter acquire; and

Mr. Baker presented the petition of sundry inhabitants of the county of Brunswick, in favor of John Clewis.

Which were referred to the Committee of Propositions and Grievances.

Mr. Shipman presented the resignations of Aaron Lewis, James Campbell, and James Swindal, Justices of the Peace of Bladen county.

Mr. Baker presented the resignation of John Grissett, Justice of the Peace of Brunswick county; and

Mr. Love presented the resignation of David Russell, as a Justice of the Peace of Haywood county.

Which were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, at 10 o'clock.

*Saturday, November 22, 1823.*

The Senate met agreeably to adjournment.

Received from the House of Commons, a message, stating that they have, agreeably to the provisions of the joint rules, for the government of the two Houses, appointed a committee of Finance, to join the committee to be appointed by the Senate, consisting of Messrs. Carson, Shepherd, Taylor, Turner, S. A. Bryan, Stanly, Leonard, and Howell, and that they have also appointed, in accordance with the said rules, a committee on the Public Library, consisting of Messrs. Fisher, T. N. Mann and Brodnax.

The foregoing being read, a message was sent to the House of Commons, stating that the Senate, according to the joint rules of the two Houses, have appointed the following persons on the committee of Finance, to wit: Messrs. Hatch, of Jones, Bullock, Flowers, Marshall, Ward, Gray, Martin, and Wellborn; and also a committee on the Public Library, consisting of Messrs. Forney, Bryan, and Bullock.

Received from the House of Commons, a certificate of an allowance, made by the County Court of Cumberland, in favour of Isabella Campbell, widow of James Campbell, a soldier in the continental line of this State, in the revolutionary war; which was endorsed, read, and countersigned by the Speaker of that House; and

On motion of Mr. Bethune, the same was countersigned by the Speaker of the Senate.

Mr. Brittain presented the resignation of Jonathan Tipton, Justice of the Peace of the county of Buncombe, and the resignation of William Orr, Lieutenant-Colonel of the first regiment of said county; and Mr. Alexander presented the resignation of Andrew Hudlow, Colonel Commandant of the first regiment of militia of Rutherford county; which were severally read and accepted by the Senate, and sent to the House of Commons.

Received from the House of Commons, the following resignations, to-wit: the resignations of J. Berryman, of Rowan county, John Crowal, of Mecklenburg county, and J. Cherry, of Pitt county, Justices of the Peace; also the resignations of Ninian Edmonston, Lieutenant Colonel of the militia of Haywood county, Andrew Hemphill, Lieutenant Colonel of the third regiment of the militia of Burke county, and I. Daniel, Major of the first regiment of the militia of Edcombe county; which were endorsed in that House, read, and accepted, and the same were severally read and accepted by the Senate.

The Senate adjourned until Monday morning at 10 o'clock.

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*Monday, November 24, 1823.*

The Senate met agreeably to adjournment.

Charles A. Hill, the Senator from the county of Franklin, Thomas Burges, the Senator from the county of Halifax, and Thomas

Cox, the Senator from the county of Washington, appeared, produced the certificates of their election, were qualified, and took their seats.

Mr. Martin moved to adopt the following, as one of the rules for the government of the Senate, the present session, to-wit:

When the yeas and nays are called for on any question put, and if seconded and the question shall be decided by the yeas and nays, the names of members shall be called in alphabetical order.

Which was not agreed to.

Received from the House of Commons, the following resolution, to-wit:

That all resolutions, the object of which is to draw money from the Public Treasury, be read three times in each House.

And the same being read was concurred in by the Senate.

That a joint select committee be appointed to enquire whether the Public Printing cannot be done with more economy than under the existing laws, either by special contract or otherwise, and appointing on the part of that House, Messrs. Stanly, Blackledge, Mebane, Shepherd, and Strange, to form the said committee;

Which was read and concurred in by the Senate, and a committee was appointed consisting of Messrs. Cameron, Gray, Wellborn, Phifer, and Burges, and the House of Commons was informed thereof by message.

Received from the House of Commons, the Report of the Public Treasurer, endorsed in that House, read and referred to the committee of Finance, and ordered to be printed; which reference and order were agreed to by the Senate.

Received from the House of Commons, the following resolution, which was adopted by that House, to-wit:

That a joint select committee be appointed to enquire into the state and condition of the several incorporated Banks of this State, whether their notes are at this time redeemed agreeably to their charters, with specie; and if not, to ascertain when the said Banks will be ready to resume specie payments; and also to enquire whether the notes of said corporations, or any of them, have depreciated from their extrinsic value; and if they have so depreciated, to investigate and report the means, if any, of improving and sustaining the credit of said notes.

Which resolution was read and concurred in by the Senate, and a committee was appointed consisting of Messrs. Seawell, Vanhook, Phifer, Scales, and Sneed, on the part of this House.

Mr. Bryan moved for and obtained leave to withdraw the petition of John Rhem and others, with the accompanying documents, from the files of the Senate.

Mr. Baker presented a bill "to regulate the time of holding the Superior Courts of Law and Equity, in the fifth Judicial Circuit," which was read the first time and passed, and made the order of the day for to-morrow.

Mr. M'Leary presented a certificate of an allowance made by the County Court of Mecklenburg, to Leah Beaty, widow of John Beaty, a soldier in the revolutionary war, which was read and counter-signed by the Speaker of the Senate, and sent to the House of Commons.

Mr. Sneed presented a bill to consolidate and amend the several laws of this State, relative to the processioning of land; which was read the first time and passed; and

On motion of Mr. Hill of Stokes, ordered that the same be printed.

Mr. Callaway presented a bill to appoint Commissioners to superintend the building of two bridges on the great stage road in the counties of Wilkes and Ashe, which was read the first time and passed; and

On motion of Mr. Callaway, referred to the committee on Internal Improvements.

Mr. Hill, of Stokes, presented the petition of Wm. Welsh and others, of the county of Stokes, praying for authority to erect gates on a public road therein mentioned.

Mr. Torrence presented the petition of Joseph Byars, of Iredell county, praying for authority to keep up a gate across a public road therein mentioned, free from the payment of a tax for the same; and

Mr. Love presented the petition of sundry inhabitants of the county of Haywood, on the subject of the Cherokee lands.

The two petitions first abovementioned, were referred to the committee of Propositions and Grievances, and the last mentioned petition was referred to the committee on that part of the Governor's message which relates to the Cherokee lands.

Mr. Callaway presented the resignation of John Long, a Justice of the Peace for the county of Ashe, and received from the House of Commons the resignation of J. Willie, Colonel Commandant of the militia of Cabarrus county; which were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning 10 o'clock.

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*Tuesday, November 25, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favour of Judge Norwood, in which they ask the concurrence of that House.

Mr. Wellborn presented the petition of sundry inhabitants of Wilkes county, praying for the passage of a law to restore to credit Amos Harmon; which was referred to the committee on that part of the Governor's message which relates to the Criminal Law.

The certificate of the Court of Pleas and Quarter Sessions of Mecklenburg county, in favour of Leah Beaty, was returned from the House of Commons, endorsed, read, and countersigned by the Speaker of that House.

Mr. Beasley presented a bill to alter the times of holding the Court of Pleas and Quarter Sessions in Tyrrell county; also a bill to exempt certain citizens in Tyrrell county from public duty; and also a bill making compensation to Jurors of the Superior and County

Courts of Tyrrell county ; which bills were severally read the first time and passed.

Received from the House of Commons, the Report of the Public Treasurer on the subject of the Banks of this State ; which was endorsed in that House, read and referred to the joint select committee appointed to enquire into the state of the Banks ; which reference was agreed to by the Senate.

Mr. Peebles presented the petition of Wm. Deloatch of Northampton county, praying the passage of a law to alter the name and legitimate Elizabeth Wade ; and Mr. Gray presented the petition of Elizabeth Barker, praying that the property she now has, or may hereafter acquire, be secured to her ; which were referred to the committee of Propositions and Grievances.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions in Tyrrell county, was read the second and third time and passed, and ordered to be engrossed.

The bill to exempt certain citizens in Tyrrell county from public duty, was read the second time and passed ; and

On motion of Mr. Phifer, it was ordered that the further consideration thereof be postponed until to-morrow.

The bill making compensation to Jurors of the Superior and County Courts of Tyrrell county, was read the second time and passed ; and the same being read the third time, it was,

On motion of Mr. Sneed, ordered that the further consideration thereof be postponed until to-morrow.

Received from the House of Commons, a message, proposing to ballot at the meeting of the two Houses to-morrow morning, for a Major-General of the fourth division of the militia of this State, and nominating for that appointment Brigadiers-General George Lee-Davidson and Michael M'Leary ; which proposition was agreed to by the Senate.

The Senate entered upon the order of the day, when the bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, was read the second time ; and,

On motion of Mr. Wellborn, referred to the committee on that part of the Governor's message which relates to the Criminal Law.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the county of Brunswick, in favor of John Clewis, reported a bill to restore to credit John Clewis of Brunswick county ; which was read the first and second time, and passed ; and

On motion of Mr. Baker, ordered to lie on the table until to-morrow.

Received from the House of Commons, the resignation of Samuel W. Davidson, Colonel-Commandant of the second regiment of the militia of Buncombe county ; Jesse M'Cuistin, Major of the first

regiment of militia of Guilford county ; and G. Hefner, Justice of the Peace of Buncombe county ; which were endorsed in that House, read and accepted ; and the same were severally read and accepted by the Senate.

The Senate adjourned until to-morrow, 10 o'clock.

*Wednesday, November 26, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to alter the time of holding the Court of Pleas and Quarter Sessions of Tyrrell county, in which they ask the concurrence of that House.

Mr. Brittain presented the petition of sundry inhabitants of Buncombe county, praying that a company be incorporated for the purpose of making a turnpike road from Asheville, by the Warm Springs, to the Tennessee line ; and also a bill to carry the prayer of the petitioners into effect ; which was read the first time and passed ; and,

On motion of Mr. Brittain, the said bill and petition were referred to the committee on Internal Improvements.

Mr. Hawkins presented a certificate of an allowance made by the County Court of Warren, in favor of Elizabeth Harris, widow of Burwell Harris, a soldier in the revolutionary war ; which was read ; and,

On motion ; countersigned by the Speaker of the Senate, and sent to the House of Commons.

On motion of Mr. Williams, a message was sent to the House of Commons, proposing to ballot immediately for a Brigadier-General of the second brigade and eighth division of the militia of this State, and nominating for that appointment Colonel Jesse Speight.

Mr. Hill, of Franklin, presented the following resolution :

That a select joint committee be appointed to enquire into the expediency of amending the Judiciary system, so far as relates to the Circuit Courts of this State ; and that they have leave to report by bill or otherwise.

Which was agreed to—and Messrs. Hill, (of Franklin) Martin, Seawell, Cameron and Wellborn were appointed the said committee on the part of the Senate, and sent to the House of Commons for their concurrence.

On motion of Mr. Cameron, a committee was appointed on Enrolled Bills, consisting of Messrs. Burges and Hatch, of Jones.

Received from the House of Commons, a message, stating that Mr. Clancey and Mr. Brodnax are appointed a committee to wait on the Senate, to receive the ballots for a Major-General of the fourth-division of the militia ; and, thereupon, Mr. Cox and Mr. Alexander were appointed superintendants of the balloting on the part of the Senate.

The bill to exempt certain citizens in Tyrrell county from public duty ; the bill making compensation to Jurors of the Superior and County Courts of Tyrrell county ; and the bill to restore to credit John Clewis, of Brunswick county, were severally read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, an engrossed bill to incorporate the Trustees of the Bertie Union Academy ; which was read the first and second time, and passed.

Received from the House of Commons, a message, agreeing to ballot immediately, as proposed by the Senate, for a Brigadier-General of the second brigade, in the eighth division of the militia, and stating that the name of John J. Pasteur is added to the nomination ; and that Mr. Worth and Mr. Gary attend the Senate as a committee, on the part of that House, to conduct the balloting.

Thereupon, Mr. Whitfield and Mr. Beasley were appointed superintendants of the balloting, on the part of the Senate.

Mr. Cox, from the committee appointed to conduct the balloting for a Major-General of the fourth division of the militia, reported that Michael M'Leary was duly elected ; which report was concurred in.

Mr. Forney presented a bill to incorporate the Lincoln Agricultural Society ; which was read the first and second time, and passed ; and the same being read the third time, was,

On motion of Mr. Wellborn, referred to the committee on Agriculture.

Mr. Gray presented the petition of William Lyttle, of the State of Tennessee, praying that the purchase money which he has paid to the State of North-Carolina, for certain lands therein mentioned, may be refunded to him ; which was referred to the committee of Claims ; and

Mr. M'Dowell presented the petition of Elizabeth Wilkins, of Burke county, praying to be divorced from her husband William Wilkins ; which was referred to the committee of Propositions and Grievances.

The Senate adjourned until to-morrow morning, 10 o'clock.

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*Thursday, November 27, 1823.*

The Senate met agreeably to adjournment.

A message was sent to House of Commons, stating that the Senate have passed a bill making compensation to the Jurors of the Superior and County Courts of Tyrrell county ; also a bill to exempt certain citizens of Tyrrell county from public duty ; and also a bill to restore to credit John Clewis of Brunswick county—in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have appointed a committee to join the committee appointed by

the Senate to enquire into the expediency of amending the Judiciary system, so far as relates to the Circuit Courts of this State, consisting of Messrs. Stanly, Iredell, Strange, Thomas N. Mann and Taylor.

Received from the House of Commons, a message, stating that they have passed a bill concerning Michael Rymer, of Rowan county; also a bill to repeal in part the fourth section of an act, passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen;" also a bill to repeal an act, passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Burke," and asking the concurrence of the Senate.

Thereupon, the said bills were severally read the first time and passed; and the bill first abovementioned was,

On motion of Mr. Forney, referred to the Committee of Propositions and Grievances.

The engrossed bill to incorporate the Trustees of the Bertie Union Academy, was read the third time and passed, and ordered to be enrolled.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of Elizabeth Barker of Randolph county, made a report unfavourable to the prayer of the petitioner; which report was concurred in.

The following bills were presented, to wit:

By Mr. Sneed, a bill further to amend an act, entitled "an act concerning proving wills and granting letters of administration, and to prevent fraud in the management of intestate's estates," passed in 1715.

By Mr. Baker, a bill to authorise a certain number of the Justices of the Peace for the county of Brunswick, to appropriate the county moneys; and,

By Mr. Outlaw, a bill for the better regulation of the town of Windsor, in Bertie county, which were severally read the first time and passed.

Mr. Wellborn presented the following resolution, to wit:

That the committee on Criminal Law, be instructed to enquire into the expediency of repealing an act of the General Assembly passed in 1819, directing the County Courts to pay fees to certain officers therein named, in certain cases, with leave to report by bill or otherwise.

Which was agreed to.

Mr. Speight presented the following resolution:

Whereas a resolution was adopted at the last session of the General Assembly of this State, requiring the Board of Internal Improvement to dispose of one half, or any part of the services of the Civil Engineer, during the present year, to any of the adjoining States, in such manner as might, in their opinion, best suit the interest of the

State ; and whereas, it appears that the said board have (for reasons yet unknown to the good people of the State) failed to comply with the requisitions of the said resolutions,

*Resolved, therefore,* That the said Board of Internal Improvements, be, and they are hereby required to lay before this General Assembly, the reasons why they have not complied with the said resolution, and whether or not it will be to the interest of the State to retain the said Engineer in the service of the State any longer ; and if retained, whether it is not expedient to reduce his salary to a sum not exceeding thousand dollars.

Which, on motion of Mr. Cameron, was ordered to lie on the table.

Mr. Sneed presented a bill to alter the names of Charles Alexander Williams and others, and to legitimate them ; which was read the first time and passed ; and,

On motion of Mr. Sneed, was referred to the committee of Propositions and Grievances.

The bill to authorise a certain number of the Justices of the Peace, for the county of Brunswick, to appropriate the county moneys, was read the second and third time and passed and ordered to be engrossed.

The bill for the better regulation of the town of Windsor, in Bertie county, was read the second time and passed.

Mr. Martin presented the petition of sundry inhabitants of Rowan county, praying the repeal of an act for the removal of obstructions to the passage of fish up the Yadkin and PeeDee river, so far as the same relates to the south fork of the Yadkin ; and,

Mr. Cameron presented the counter petition of Eliza Pearson and others, on the same subject ; which were referred to the Committee of Propositions and Grievances.

The Senate entered upon the orders of the day, and took into consideration the bill to consolidate and amend the several laws of this State, relative to the processioning of land ; when,

On motion of Mr. Sneed, the same was referred to a select committee, consisting of Messrs. Sneed, Burges, Phifer, Love and Bryan.

Received from the House of Commons, the resignations of James Marler, Major of the first regiment of militia of Burke county, and Henry W. Garey, Major of militia of Northampton county ; which were endorsed in that House, read and accepted, and the same were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock to-morrow morning.

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*Friday, November 28, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise a certain number of the Justices of the Peace, for the county of Brunswick, to appropriate the county moneys, in which they ask the concurrence of that House.

Mr. Pearsall presented the following resolution :

*Resolved*, That a select committee be appointed to enquire into the expediency of altering the inspection laws of this State, and that they have leave to report by bill or otherwise.

Which was agreed to, and a committee was appointed consisting of Messrs. Pearsall, Burges, Baker, Cox and Beasly.

Mr. Burges presented the petition of sundry inhabitants of Halifax county, on the subject of building a toll-bridge over the Roanoke river, at the town of Halifax; also a bill to carry the prayer of the petitioners into effect, which bill was read the first time and passed.

Mr. Graves presented the petition of Sarah Pennix of Surry county, praying that the property she now has, or hereafter may acquire, be secured to her; which was referred to the Committee of Propositions and Grievances.

On motion, Mr. Cameron, the Senator from the county of Orange, obtained leave of absence from the services of this House, from and after this day until Monday next.

Mr. Whitfield presented the following resolution :

*Resolved*, That the Board of Internal Improvement, instruct our State Engineer to survey and lay off the way for a canal from the falls of Neuse river to Swift creek bridge, on any point on or near the said creek or river, or any intersecting stream, and make out a plan and estimate of the probable cost, and the practicability of cutting the same, and report to the next General Assembly; and to report the practicability and expense of rendering the river navigable by locks and dams, with the views of the Engineer upon both projects.

Which, on motion of Mr. M'Leod, was ordered to lie on the table.

Mr. Bryan presented a bill to amend an act, entitled "An act to provide for children born after the making of their parents' will," which was read the first time and passed; and, on motion of Mr. Bryan, referred to a select committee; which consists of Messrs. Bryan, Burges, Gibbs, Albritton, and Callaway.

Mr. Wilson presented the following resolution :

That the committee of Claims take under their consideration certain claims of a portion of the militia of Carteret county, that were called into the service of the State, in the year 1821, agreeably to an act of Assembly in that case provided; and that said committee report by bill or otherwise.

Which was agreed to.

Mr. Wilson presented the petition of John H. Hill, Colonel of the Carteret militia, praying an allowance for services rendered in the year 1821, in a detachment of the militia of Carteret county, called out to suppress a number of slaves and free persons of colour, who were armed and travelling through the county, committing thefts and alarming the inhabitants; which was referred to the committee of Claims.

On motion of Mr. Love, a message was sent to the House of Commons, proposing to ballot at the meeting of the two Houses to-morrow morning, for a Treasurer, Comptroller, and Secretary of State,

and nominating John Haywood, for Treasurer, Joseph Hawkins, for Comptroller, and William Hill, for Secretary of State.

Received from the House of Commons, a message from the Governor, together with sundry documents on the claim of Mr. Appleton, American Consul at Leghorn. Accompanying which, is a message from the House of Commons, proposing that the same be referred to a select committee, consisting on the part of that House, of Messrs. Fisher, Mebane, Stanly, Alston and Iredell, which proposition was agreed to ; and Messrs. Burges, Hatch, of Jones, Martin, Snead and Hill, of Stokes, were appointed the said committee on the part of the Senate.

The engrossed bill, to repeal in part the fourth section of an act passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen," was read the second and third time and passed.

On motion of Mr. Seawell, the same was amended, by striking out the words, "page 1101" in the title of the bill ; and a message was sent to the House of Commons, asking their concurrence in the said amendment.

Received from the House of Commons, a message, proposing to ballot immediately for a Solicitor of the Sixth Judicial Circuit, and nominating for that appointment, Joseph Wilson and Hugh M. Stokes.

The foregoing proposition being read, was not agreed to ; and a message was sent to the House of Commons, stating that the Senate do not agree to ballot for a Solicitor of the Sixth Judicial Circuit on this day ; but propose to ballot for that officer on Monday next, at the meeting of the two Houses.

Received from the House of Commons, a message, agreeing to ballot for a Treasurer, Comptroller of Public Accounts, and Secretary of State, at the time proposed by the Senate.

The bill "for the better regulation of the town of Windsor, in Bertie county," was read the third time and passed, and ordered to be engrossed.

The bill further to amend an act, entitled "an act concerning proving wills and granting letters of administration, and to prevent frauds in the management of intestates' estates," passed in 1815, was read the second time, and the question on the passage of the said bill, was determined in the negative.

The bill authorising the building of a toll-bridge, over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose, was read the second time and passed.

The certificate of the Court of Pleas and Quarter Sessions of Warren county, in favour of Elizabeth Harris, widow of Burwell Harris, a soldier in the Revolutionary war, was returned from the House

of Commons, endorsed "read and countersigned by the Speaker of that House."

The following bills were presented, to-wit:

By Mr. Seawell, "a bill to regulate the practice in the several Courts of Equity in this State."

By Mr. Phifer, "a bill directing in what manner the laws of our sister states shall be received in evidence in this State;" and

By Mr. Harrell, a bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp," which bills were severally read the first time and passed, and made the order of the day for to-morrow.

Received from the House of Commons, a message, stating that they have passed a bill for the relief of Edward Owen, of Person county, and asking the concurrence of the Senate. Thereupon, the said bill was read the first time and passed.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Saturday, November 29, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill for the better regulation of the town of Windsor, in Bertie county, in which they ask the concurrence of that House.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred an engrossed bill concerning Michael Rymer, of Rowan county, reported the said bill without amendment. Thereupon, the same was read the second time, and the question on the passage of the said bill, was determined in the affirmative; and

On motion of Mr. Graves, the further consideration thereof was postponed until Monday next.

Mr. Forney, from the committee to whom was referred the petition of Elizabeth Wilkins, of Burke county, reported a bill to divorce Elizabeth Wilkins, of Burke county, from her husband William Wilkins; which was read the first time and passed.

Received from the House of Commons, a message, stating that Mr. Ward and Mr. Henderson attend the Senate as a committee on the part of that House, to superintend the balloting for a Treasurer, Comptroller of the public accounts and Secretary of State; and

Thereupon, Mr. Legrand and Mr. Bullock were appointed superintendants of the balloting, on the part of the Senate.

Received from the House of Commons, a message, proposing to ballot immediately for a Governor of the State for the ensuing year, and nominating for that appointment, His Excellency Gabriel Holmes, which proposition was agreed to; and Mr. Williams and Mr. Alexander, were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, proposing that a joint select committee be appointed, to be styled "a Committee of Superintendants of Public Buildings, and the expenditure of appropriations thereon," and appointing on the part of that House, Messrs. Taylor, Clancy, M'Lean, Sellers and Martin, of Rockingham; which proposition was agreed to: and the said committee on the part of the Senate, consists of Messrs. Cox, Wall, Speight, Marsh and Marshall.

On motion, Mr. Peebles, the Senator from the county of Northampton, obtained leave of absence from the services of this House, from and after this day until Thursday next.

Received from the House of Commons, a message, stating that Mr. Blackledge and Mr. Williamson, are appointed a committee on the part of that House, to superintend the balloting for a Governor of this State for the ensuing year.

Mr. Hill, of Franklin, to whom was referred the resolution of the Senate of the 26th inst. relative to an amendment of the Judiciary, so far as regards the Circuit Courts, reported in part a bill to amend and extend an act passed in the year 1806, entitled "an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may so accumulate that they cannot be tried at the regular terms of those Courts," which was read the first time and passed.

The bill authorising the building of a toll-bridge over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose, was read the third time and passed, & ordered to be engrossed.

Received from the House of Commons, a message, stating that they have appointed a committee to examine the Enrolled Bills, consisting of Messrs. Fisher, Henderson, Williamson and Blackledge.

The bill for the relief of Edward Owen, of Person county, was read the second time; and, on motion of Mr. Seawell, the further consideration thereof was postponed until Monday next.

The following bills being orders of the day, were read the second time, to-wit: A bill to regulate the practice in the several Courts of Equity in this State—A bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp,"—and a bill directing in what manner the laws of our sister states shall be received in evidence in this State; which bills severally passed the second reading, and the last mentioned bill was amended, on motion of Mr. Phifer, by filling up the blank in the second section, with the words "*twenty cents for every copy sheet.*"

The bill to divorce Elizabeth Wilkins from her husband William Wilkins, was read the second time, and the question on the passage of the said bill, was determined in the affirmative.

The Senate adjourned until Monday morning 10 o'clock.

Monday, December 1, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise the building of a toll-bridge over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose; in which they ask the concurrence of that House.

Mr. Williams, from the committee appointed to conduct the balloting for a Governor of this State for the ensuing year, reported that Gabriel Holmes, Esq. was duly elected, which report was concurred in.

Mr. Legrand, from the committee appointed to conduct the balloting for a Treasurer, Comptroller of the Public Accounts, and Secretary of State, reported that John Haywood was duly elected Treasurer, Joseph Hawkins, Comptroller, and William Hill, Secretary of State, which report was concurred in.

Mr. Cameron presented the memorial of Levi Whithead, surviving executor of the last will and testament of John Whithead, dec'd, praying the emancipation of certain slaves, which was referred to the committee of Propositions and Grievances.

Received from the House of Commons, a message, proposing that a joint select committee be appointed to wait on His Excellency Gabriel Holmes, Esq. and inform him of his election as Governor of this State for the ensuing year, and stating that Mr. Croom and Mr. Blackledge are appointed the committee on the part of that House, which proposition was agreed to; and Mr. Seawell and Mr. Forney were appointed the committee on the part of the Senate.

The following bills were presented, to-wit:

By Mr. Wellborn, a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line, so far as respects the appointment of commissioners and other purposes."

By Mr. Wilson, a bill to exempt from taxation, improvements made on lands by the erection of salt works thereon; and

By Mr. M'Leod, a bill to repeal the latter clause of the 8th section, and the whole of the 9th, 10th and 11th sections of an act passed by the last General Assembly, entitled "an act to promote agriculture and family domestic manufactures within this state," and the whole of an act passed at the same time, supplemental to the aforesaid act, which bills were severally read the first time and passed; and the bill last named, was, on motion of Mr. Forney, referred to the committee on Agriculture.

The bill directing in what manner the laws of our sister states shall be received in evidence in this state—the bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp"—the bill to

regulate the practice in the several Courts of Equity in this State—And the bill to divorce Elizabeth Wilkins from her husband Wm. Wilkins, were severally read the third time and passed, and ordered to be engrossed.

The engrossed bill, for the relief of Edward Owen, of Person county, was read the second time.

Mr. Seawell moved to amend the same, by adding the following section, to-wit:

*And be it further enacted*, that all and every person heretofore convicted of the crime of petit larceny in this state, be and is hereby restored to credit, in the same manner as if he, she or they, had never been convicted of any crime whatever.

Which was not agreed to.

The Yeas and Nays on the adoption of the said amendment, being required by Mr. Speight, are as follows.

For the amendment,

YEAS—Messrs. Seawell and Forney—2.

Against the amendment, are

NAVS—Messrs. Albritton, Alexander, Baker, Brittain, Bullock, Bryan, Belltine, Burges, Bowers, Beasley, Callaway, Caldeleigh, Cameron, Cox, Devane, Frink, Flowers, Ferebee, Gibbs, Gray, Gavin, Graves, Hatch, of Jones, Hatch, of Wayne, Hill, of Franklin, Hill, of Stokes, Jackson, Love, Legrand, Marshall, M'Dowell, Marsh, McLeod, McLeary, Murphey, Martin, Outlaw, Phifer, Perkins, Pearsall, Parker, Pool, Riddick, Shipman, Sneed, Speight, Sumner, Seales, Torrence, Vanhook, Williams, Wilson, Ward, Wall, and Wellborn—55.

The question then recurred on the passage of the said bill the second time, which was determined in the affirmative; and thereupon the said bill was read the third time and passed and ordered to be enrolled.

The engrossed bill concerning Michael Rymer of Rowan county, was read the third time and passed, and ordered to be enrolled.

Mr. Williams presented the petition of sundry inhabitants of Beaufort county, residing near Blount's creek, relative to fisheries; which was referred to the Committee of Propositions and Grievances.

The Senate entered on the order of the day, and the following bill was read, to-wit: A bill to amend and extend an act passed in 1806, entitled “an act for the more convenient administration of justice within this State, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity, have or may so accumulate, that they cannot be tried at the regular terms of those courts.”

Mr. Seawell moved that the further consideration of the said bill be postponed until to-morrow, and that the same be printed, which was agreed to.

Mr. Wellborn presented a bill to amend an act, entitled “an act to appoint Commissioners to view and lay off the road leading across the mountains, from the town of Wilkesborough to Mrs. Bogle's, Iredell county,” which was read the first time and passed; and,

On motion of Mr. Wellborn, was referred to the Committee on Internal Improvement.

On motion of Mr. M'Dowell, the bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke," was referred to a select committee; which committee consists of Messrs. M'Dowell, Forney, Graves, Frink and Bowers.

Mr. Hill of Stokes, presented a bill to legitimate and alter the name of Sally Smith, of Stokes county; and,

Mr. Martin presented a bill to compel an executor or executrix, to give security in certain cases; which were severally read the first time and passed, and the last mentioned bill was,

On motion of Mr. Sneed, referred to the Committee on Criminal Law.

Mr. Hill of Stokes, presented the resignation of Michael M'Leary, Brigadier General of the 11th brigade of the militia of this State, which was read and accepted and sent to the House of Commons.

Received from the House of Commons, the resignation of Richard Russell of Warren county, D. Patterson of Orange county, and Isaac Williams of Johnston county, Justices of the Peace; also the resignation of James Scotten, as Lieutenant Colonel of the second regiment of militia of Randolph county; which were endorsed in that House, read and accepted, and the same were read and accepted by the Senate.

The Senate adjourned to 10 o'clock to-morrow morning.

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*Tuesday, December 2, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp;" a bill to regulate the practice in the several Courts of Equity in this State; a bill directing in what manner the laws of our sister States shall be received in evidence in this State; and a bill to divorce Elizabeth Wilkins, of the county of Burke, from her husband William Wilkins, in which they ask the concurrence of that House.

Received from the House of Commons, a message, proposing to ballot immediately for a Solicitor of the sixth Judicial Circuit, and stating that the name of Hugh M. Stokes is withdrawn from the nomination, which proposition was agreed to; and Mr. Forney and Mr. Outlaw were appointed superintendants of the balloting on the part of the Senate.

Mr. Forney, from the committee appointed to wait on Gabriel Holmes, Esquire, and inform him of his election to the office of Governor of this State, and to know of him when he will attend to take the oaths prescribed by law, reported that they are authorised to state that he will attend for that purpose in the Hall of the House of Commons, at 12 o'clock on Saturday next.

Received from the House of Commons, a message, stating that Mr. Clancy and Mr. Sellers are appointed a committee on the part of that House, to receive the ballots for a Solicitor of the sixth Judicial Circuit.

Mr. M'Dowell from the Select Committee, to whom was referred the bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke," reported the same, with an amendment to strike out the word "two," and insert "one," in the title of the bill; which amendment was agreed to, and the said bill was thereupon, read the second time and passed.

Mr. Bryan, from the Select Committee, to whom was referred the bill to amend an act, entitled "an act to provide for children born after the making of their parents will," reported the said bill with an amendment, recommending that the whole be stricken out except the words "a bill," and substituting the amendment accompanying the same; which was agreed to.

Mr. Wellborn presented the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to examine and report to this House, the expediency of so altering the present Law, that a *ca. su.* shall not issue against the body of any person while he is possessed of real or personal estate sufficient to satisfy the plaintiff's demand, and report by bill or otherwise.

Which was, on motion of Mr. Wellborn, referred to the Committee on Criminal Law.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of William Welsh and others, of the county of Stokes, praying for authority to erect gates; reported a bill empowering the Courts of Pleas and Quarter Sessions to grant leave for the erection of gates across public roads in their respective counties, which was read the first time and passed.

Mr. Forney, from the same committee, to whom was referred the petition of Joseph Byers of Iredell county, praying authority to erect a gate on a road therein mentioned free from the payment of a tax for the same, made a report unfavorable to the prayer of the petitioner, which was concurred in.

Mr. Forney, from the committee appointed to conduct the balloting for a Solicitor in the sixth Judicial Circuit, reported that Joseph Wilson was duly elected; which report was concurred in.

Received from the House of Commons, a message, proposing to ballot immediately for a Public Printer for the ensuing year, and stating that the names of Bell & Lawrence are added to the nomination; which proposition was agreed to by the Senate.

Received from the House of Commons, a message, proposing to ballot immediately for a Brigadier-General of the 17th brigade of the militia, and stating the name of Henry Blount is in nomination; which proposition was agreed to, and Mr. Speight and Mr. Beasley were appointed superintendents of the balloting on the part of the Senate.

Mr. Cameron, from the Committee on Internal Improvement, to whom was referred a bill to authorise the making of a turnpike road from Ashville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose, reported the said bill with sundry amendments, which were agreed to; and the same being read,

On motion of Mr. Love, the further consideration thereof was postponed until Thursday next.

Received from the House of Commons, a message, stating that Mr. Williamson and Mr. Croom attend the Senate as superintendents of the balloting for a Brigadier-General of the 17th brigade of militia, on the part of that House.

Received from the House of Commons, a message, stating that they have passed a bill to incorporate a Light Infantry Company in the town of Edenton; and a bill to emancipate Sally Zimmerman, a slave belonging to the estate of Andrew Caldecleugh, dec'd, of Rowan county, and asking the concurrence of the Senate.

Thereupon, the bill first abovementioned was read the first time and passed, and the same being read the second time, it was, on motion, resolved by the Senate, that this bill shall not pass; and the last mentioned bill was read the first, second and third times and passed, and ordered to be enrolled.

The Senate entered upon the orders of the day, and the following bills were read, to-wit: A bill to exempt from taxation improvements made on lands, by the erection of salt-works thereon; and a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of commissioners, and other purposes; which bills severally passed the second time; and the last mentioned bill was amended, on motion of Mr. Callaway, by adding the following provision, to-wit: Provided always, that nothing herein contained shall affect or repeal any act of the last General Assembly, so far as respects the great State Road leading from Wilkesborough to the Tennessee line, by way of the town of Jefferson.

The Senate continued on the orders of the day, when the following bill was read, to-wit: A bill to amend and extend an act, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may so accumulate that they cannot be tried at their regular terms of those Courts."

Mr. Seawell moved an amendment, by adding the following as the seventh section, to-wit:

*"And be it further enacted, That whenever any Judge of the Superior Courts of this State shall, through sickness or other accident, be unable to hold any of the Courts within the circuit he is appointed to preside, it shall be the duty of such Judge to appoint some convenient time, in recess of the Courts, in such circuit, for holding Courts*

in such counties as the said Judge was prevented from holding at the regular terms; and the said Judge shall cause public notification thereof; and the Clerks of the Inferior Courts respectively, under the superintendance of three Justices of the Peace, shall draw the necessary number of Jurors, who shall, on the proper certificate of the Clerk, be summoned to attend accordingly: And the terms of such Courts, so appointed, shall be held by the said Judge, who shall, as to all matters, civil and criminal, have and possess the same jurisdiction, in all respects, as if such term had been a regular term of such Courts, or appointed by law."

Which amendment was agreed to.

Mr. Cameron moved further to amend the said bill by inserting the following, as the eighth section:

*"And be it further enacted by the authority of the same,* That all juries and witnesses duly summoned and attending the Courts authorised by this act, shall receive the same compensation, and be subject to the same penalties for not attending the said Courts, as are now by law allowed or incurred for attending or not attending the regular terms of the Superior Courts of Law."

Which amendment was agreed to.

Thereupon, the said bill, on motion of Mr. Sneed, was committed to a committee of the whole, and made the order of the day for Thursday next.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate to the bill to repeal in part the 4th section of an act, passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen."

Thereupon, the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating that Mr. Pugh and Mr. Barrow attend the Senate as a committee on the part of that House to superintend the balloting for Public Printer for the ensuing year. Thereupon, Mr. Graves and Mr. Alexander were appointed superintendants of the balloting, on the part of the Senate.

The bill to legitimate and alter the name of Sally Smith, of Stokes county, was read the second time and passed.

The following bills were presented, to-wit:

By Mr. Cameron, a bill to amend an act, passed in 1818, entitled "an act concerning the Supreme Courts."

By Mr. Hill, of Franklin, a bill for the relief of Jordan Denson, late Sheriff of Franklin; and

By Mr. Callaway, a bill to alter and amend the laws now in force relative to the Supreme Courts of North-Carolina.

Which bills were severally read the first time and passed; and the last mentioned bill was,

On motion of Mr. Callaway, referred to the Committee on Criminal Law.

Received from the House of Commons, the resignations of M. Pettaway, Lieutenant-Colonel of the Onslow militia, and John M. Bryan, Lieutenant-Colonel of the Craven militia, which were en-

dorsed in that House, read and accepted ;" and the same were read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

Wednesday, December 3, 1823.

The Senate met agreeably to adjournment.

Mr. Graves, from the committee appointed to conduct the balloting for a Public Printer, for the ensuing year, reported that Joseph Gales & Son were duly elected ; which report was concurred in.

Mr. Beasley, from the committee appointed to conduct the balloting for a Brigadier-General of the 17th brigade of the militia of this State, reported that Henry Blount was duly elected ; which report was concurred in.

Received from the House of Commons, a message, proposing to ballot at the meeting of the two Houses, to-morrow morning, for a Brigadier General of the sixth brigade and third division of the militia of this State ; which proposition was agreed to.

Received from the House of Commons, a message, stating that they have passed a bill incorporating Morganton Academy ; a bill to incorporate the Sandy Creek Library Society ; a bill for the better regulation of Statesville, in Iredell county ; a bill to amend an act passed in the year 1822, entitled "an act supplemental to an act passed in the year 1784, entitled an act to appoint Commissioners, and to establish the town of Morganton, in Burke county, and for other purposes ;" a bill to repeal the 5th and 6th sections of an act passed in the year 1820, entitled "an act concerning the marriage of Infant Females," and a resolution in favour of Arthur Hutchins ; which bills and resolution were severally read the first time and passed by the Senate, and the said resolution was ordered to be enrolled.

Mr. Bowers presented the following resolution :

*Resolved*, That a select committee be appointed to enquire into the expediency of reducing the tax laid on trading vessels, on navigable streams, and that they have leave to report by bill or otherwise ;

And the same being read was amended on motion of Mr. Wellborn, by inserting the words "and on Pedlars," after the word "streams."

On motion of Mr. Cameron, the same was further amended by striking out the words "a select committee be appointed," and inserting the words "the committee of Finance be instructed," which resolution as amended was agreed to.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Wm. Deloach of Northampton county, reported the following resolution, to-wit :

*Resolved*, That the prayer of the petitioner ought to be granted.

Which was concurred in.

Mr. Forney from the same committee, to whom was referred a bill to alter the names of Charles Alexander Williams and others,

and to legitimate them, reported the said bill without amendment; and thereupon the same was read the second time and passed.

Mr. Martin, from the Committee on Criminal Law, to whom was referred the bill to compel an executor or an executrix to give security in certain cases, reported the said bill with sundry amendments which were agreed to; and,

On motion of Mr. Snead, the same was ordered to be printed.

Mr. Martin, from the same committee, to whom was referred the petition of Amos Harmon and others, of Wilkes county, reported a bill for the relief of Amos Harmon, which was read the first time and passed.

The engrossed bill to repeal an act passed in the year 1822, entitled "An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke, was read the third time and passed with an amendment to strike out "two," and insert "one," in the title of the bill, and a message was sent to the House of Commons asking their concurrence.

The Senate entered on the orders of the day, and the bill to amend an act, entitled "An act to provide for children born after the making of their parents will," was read.

Mr. Bryan moved an amendment by inserting in the sixth line of the first section, after the word "executor," the words "executrix or administrator, with the will annexed," which amendment was agreed to; and the question on the passage of the said bill the second time, was determined in the affirmative.

The bill for the relief of Jordan Denson, late Sheriff of Franklin, was read the second and third times and passed, and amended on motion of Mr. Seawell, by inserting the following:

*Provided nevertheless,* That no collection of taxes shall be made under this act, from the estates of persons who have died since the said taxes are due, or from such persons as have moved from the county, or as will make affidavit that they have paid said taxes and lost their receipts.

Thereupon the said bill was ordered to be engrossed.

Mr. Pearsall presented the following resolution:

Whereas, many of the good citizens of this State, sustain great inconvenience and injury from liberties given to slaves on days of musters and elections, within the several counties of this State, to attend the same—therefore,

*Resolved,* That the Committee of Propositions and Grievances, be instructed to enquire into the expediency of passing an act to prevent all slaves from attending musters and elections in this State, under proper restrictions; and that they report by bill or otherwise.

Which was agreed to.

The bill empowering the Courts of Pleas and Quarter Sessions, to grant leave for the erection of gates across public roads in their respective counties, was read the second time.

Mr. Forney moved to amend the same by striking out the words "public inconvenience, or an injury to any individual," which was not agreed to.

Mr. Hatch of Jones, moved to amend the said bill by inserting the following, to-wit:

*Provided*, That nothing herein contained shall extend to the county of Jones.

And Mr. Callaway moved that the bill and amendment be indefinitely postponed; and the question thereon was determined in the affirmative.

Received from the House of Commons, a message, agreeing to the amendment made by the Senate to the engrossed bill, to repeal an act passed in the year 1822, entitled "An act to alter the time of holding two of the Courts of Pleas and Quarter Sessions of the county of Burke; thereupon the said bill was ordered to be enrolled.

Mr. Seawell presented a bill to repeal so much of the several acts of Assembly in this State, as requires persons who complain of injury done to the health of their families, to petition to the County Courts; and a bill to amend the militia laws of this State; which were severally read the first time and passed, and the last mentioned bill was,

On motion of Mr. Seawell, referred to the committee on the militia.

The bill to amend an act, entitled "An act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of Commissioners, and for other purposes; the bill to legitimate and alter the name of Sally Smith of Stokes county; and the bill to exempt from taxation improvements made on lands, by the erection of salt works thereon, were severally read the third time and passed, and ordered to be engrossed.

The following engrossed bills, to-wit: a bill to amend an act passed in the year 1822, entitled "An act supplemental to an act passed in the year 1784, entitled an act to appoint Commissioners, and to establish the town of Morganton, in Burke county, and for other purposes;" a bill for the better regulation of the town of Statesville, in Iredell county; a bill to incorporate Sandy Creek Library Society; and a bill incorporating Morganton Academy, were severally read the second time and passed.

Mr. Bryan presented the following resolution:

*Resolved*, That the committee of the whole House, to whom was committed a bill to amend the act of 1806, for the more convenient administration of justice, be instructed to enquire into the expediency of dividing the state into districts, composed of two or more counties each, for the purpose of holding a Superior Court of Law and Equity in each of said districts, at some convenient place therein; and that they report thereon.

Which was agreed to.

The bill for the relief of Amos Harmon was read the second time and passed.

The Senate adjourned to 10 o'clock to-morrow morning.

Thursday, December 4, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled "an act to ex-

tend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of commissioners, and for other purposes; a bill to exempt from taxation improvements made on lands by the erection of salt-works thereon; a bill for the relief of Jordan Denson, late Sheriff of Franklin; and a bill to legitimate and alter the name of Sally Smith, of Stokes county—in which they ask the concurrence of that House.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Jane Wellborn, of Randolph county, reported a bill securing to Jane Wellborn the property she may hereafter acquire; which was read the first time and passed.

Mr. Wellborn presented the petition of sundry inhabitants of Wilkes county, praying authority to raise a volunteer company of riflemen; which was referred to the Committee on the Militia.

The following engrossed bills, to-wit: a bill to amend an act, passed in the year 1822, entitled "an act supplemental to an act, passed in the year 1784, entitled an act to appoint commissioners and to establish the town of Morganton, in Burke county, and for other purposes;" a bill for the better regulation of the town of Statesville, in Iredell county; a bill incorporating Morganton Academy; and a bill to incorporate Sandy Creek Library Society, were severally read the third time and passed, and ordered to be enrolled.

The bill to amend an act, entitled "an act to provide for children born after the making of their parent's will, was read the third time and amended, on motion of Mr. Seawell, by inserting the word "*devised*" in the fourth line of the third section; and the question on the passage of the said bill, was determined in the affirmative. Thereupon, the same was ordered to be engrossed.

Received from the House of Commons, a message, stating that Mr. Fox and Mr. Thompson attend the Senate as a committee on the part of that House, to conduct the balloting for a Brigadier-General of the sixth brigade and third division of the militia of this State. Thereupon, Mr. Brittain and Mr. M'Leod were appointed superintendants of the balloting, on the part of the Senate.

The bill for the relief of Amos Harmon, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun'r deceased, to remove off a certain building erected on the four hundred acres of public land in the Cherokee Purchase, reserved for the future disposition of the Legislature; a bill to repeal an act, passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank and Camden;" a bill for the better regulation of elections in Guilford county; a bill to amend an act, passed in 1819, entitled

"an act relative to the apprehension of runaway slaves; a bill for the relief of David Blalock, of Orange county; a bill concerning the commissioners of the town of Greeneville, in Pitt county; a bill to regulate the Courts of Pleas and Quarter Sessions in Richmond county; a bill concerning the public lands in the county of Haywood; a bill to amend the laws making provision for widows; and a bill to amend an act, passed in the year 1777, entitled "an act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for and pay the same, and for other purposes;" which bills were severally read the first time and passed by the Senate.

Mr. Bullock presented a bill to alter the name of Joseph Scott and to legitimate him; which was read the first time and passed.

The Senate entered upon the orders of the day, and the engrossed bill to repeal the fifth and sixth sections of an act, passed in the year 1820, entitled "an act concerning the marriage of infant females," being read the second time, it was resolved by the Senate, that this bill shall not pass; and the House of Commons was informed thereof by message.

The Senate continued on the orders of the day, and resolved itself into a committee of the whole, Mr. Forney in the Chair, on the bill to amend and extend an act, passed in the year 1806, entitled "an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may, so accumulate that they cannot be tried at the regular terms of those Courts;" and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

The Senate adjourned to 10 o'clock to-morrow morning.

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*Friday, December 5, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled "an act to provide for children born after the making of their parent's will," passed in the year 1808; and a bill for the relief of Amos Harman—in which they ask the concurrence of that House.

Mr. Brittain, from the committee appointed to conduct the balloting for a Brigadier-General of the sixth brigade and third division of militia, reported that John J. Carrington was duly elected; which report was concurred in.

The following engrossed bills, to-wit: a bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county; a bill for the better regulation of elections in Guilford county; and a bill concerning the commissioners of the town of Greeneville, in Pitt county, were severally read the second time and passed.

Received from the House of Commons, a communication from the Governor, transmitting the annual return of the Adjutant-General; which,

On motion of Mr. M'Leod, was referred, together with the accompanying documents, to the Committee on the Militia.

Received from the House of Commons, a message, stating that they have passed a resolution, directing the Public Printer to attach to the laws to be published for the year 1823, the returns of the different Sheriffs and Clerks of this State agreeably to the Comptroller's Report—in which they ask the concurrence of the Senate.

Thereupon, the said resolution was read and amended, on motion of Mr. Phifer, by striking out the words "*the returns of the different Sheriffs and Clerks of this State agreeably to the Comptroller's Report,*" and inserting the words "*a statement of the nett amount of that part of the revenue of the State which is receivable by the Sheriffs and Clerks in the several counties;*" and the question on the adoption of the said resolution was determined in the affirmative, and a message was sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Whitfield, the resolution submitted by him on the 28th ultimo, and subsequently modified, was taken into consideration, and the same being read, Mr. Hill, of Franklin, moved that the same be indefinitely postponed; which was not agreed to. The question then recurred on the adoption of the resolution, and the question thereon was determined in the affirmative.

The bill to alter the name of Joseph Scott, and to legitimate him, was read the second time and passed.

Mr. Wilson presented a bill to repeal an act, passed in the year 1814, entitled "an act allowing compensation to the Sheriff, or returning officer who shall hold the poll for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for Electors to vote for President and Vice-President of the United States; which was read the first time and passed.

Mr. Pearsall presented the resignation of B. Bourden, of Duplin county; Mr. Wellborn presented the resignation of John Adams, of Wilkes county, Justices of the Peace; and Mr. M'Dowell presented the resignation of Benjamin Burgin, Major of the third regiment of the Burke Militia; which were read and accepted by the Senate.

The Senate entered upon the orders of the day, and resolved itself into a committee of the whole, Mr. Forney in the Chair, on the unfinished business of yesterday, and resumed the consideration of the bill to amend and extend an act, passed in the year 1806, entitled "an act for the more convenient administration of justice within this State, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have, or may so ac-

cumulate that they cannot be tried at the regular terms of those Courts ;" and after some time spent therein, the committee rose and reported the said bill with an amendment, to strike out the first section thereof. Thereupon,

The Senate adjourned until to-morrow morning, 10 o'clock.

*Saturday, December 6, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a resolution, requiring the Board of Internal Improvements, if they deem it expedient, to instruct our State Engineer to survey and lay off the route for a canal from some point on Neuse river at or near Smithfield, to Swift Creek Bridge in Craven county, or any point on or near the said creek or river, or any tributary stream, &c. &c. in which they ask the concurrence of that House.

Mr. Wellborn presented the petition of sundry inhabitants of Wilkes county, on the subject of laying out a road passing by the Elk-spur of the Blue Ridge, which was referred to the committee on Internal Improvements.

Mr. Boddie presented the following resolution :

*Resolved*, that the Public Treasurer be authorised to pay to Samuel W. W. Vick, sheriff of Nash county, the sum of eight dollars and sixty cents, for forty-three insolvents for 1822, and that he be allowed the same in the settlement of his public accounts.

Which passed the first time ; and

On motion of Mr. Boddie, was referred, together with the accompanying documents, to the committee of Claims.

Mr. Seawell, from the committee on the Cherokee Lands, reported a bill for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State, which was read the first time and passed.

Received from the House of Commons, a message, stating that in consequence of the resignation of Wm. B. Lockhart, the Clerk Assistant of that House, they have appointed Charles Manly to fill the vacancy.—Also, a message, stating that they have rejected the engrossed bill for the relief of Amos Harmon—And also, a message, stating that they do not concur in the amendment proposed by the Senate, to the engrossed resolution requiring the Public Printer to attach to the laws of 1823, the returns of the sheriffs and clerks in this State. Thereupon,

On the motion of Mr. Forney, the Senate receded from their amendment, and the said resolution was agreed to and ordered to be enrolled.

The following engrossed bills, to-wit : A bill concerning the commissioners of the town of Greeneville, in Pitt county—A bill to alter the name of Joseph Scott and to legitimate him—And a bill for the

better regulation of elections in Guilford county, were severally read the third time and passed, and ordered to be enrolled.

Mr. Cameron presented a bill concerning a light infantry company in the town of Edenton, which was read the first time and passed.

Received from the House of Commons, a message, proposing to appoint a joint committee to wait on His Excellency the Governor, and to conduct him into the Commons Hall, for the purpose of his qualification as Governor, for the ensuing year; and stating that Mr. Mebane and Mr. R. H. Jones, form the said committee on the part of that House, which proposition was agreed to; and Mr. Seawell and Mr. Forney, were appointed the committee on the part of the Senate.

The following engrossed bills, to-wit: A bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun. dec. to remove off a certain building, erected on the four hundred acres of public land in the Cherokee purchase, reserved for the future disposition of the Legislature—A bill concerning the public lands in the county of Haywood—A bill to amend an act passed in the year 1819, entitled an act relative to the apprehension of runaway slaves—And a bill to repeal an act passed in the year 1822, entitled an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank and Camden, were severally read the second time and passed; and the last mentioned bill was amended by inserting the words "Randolph, Brunswick and Sampson," in the title of the bill, and also the same words in the 6th line of the first section.

The bill to repeal an act passed in the year 1814, entitled an act allowing compensation to the sheriff or returning officer who shall hold the poll for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for electors to vote for President and Vice-President of the United States, was read the second time and passed.

Mr. Hawkins presented the resignation of Ransom Walker, Lieutenant Colonel of the Militia of Warren county, which was read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignation of Wm. Benton, Major of the Militia; and John McCallum, Justice of the Peace of Montgomery county; and the resignation of Wm M'Cain, Lieutenant Colonel of the Guilford Militia, which were severally endorsed in that House, "read and accepted."—And the same were also read and accepted by the Senate.

Received from the House of Commons, a message, stating that the hour having arrived that the Governor intimated he would attend the Legislature for the purpose of his qualification as Governor of the State for the ensuing year, the House of Commons is in readiness to receive the Senate on the occasion.

Thereupon, the two Houses convened in the Hall of the House of Commons, when the necessary oaths prescribed by law, were administered to the Governor by the Hon. John L. Taylor, Chief-Justice of the Supreme Court of this State. After which, the Senate returned to their chamber for the purpose of legislation.

The Senate resumed the consideration of the unfinished business of yesterday, being the report of the committee of the whole, on the bill to amend and extend an act passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity have or may so accumulate, that they cannot be tried at the regular terms of those Courts, with an amendment thereto, to strike out the first section of the bill, and the question on concurring in the report of the committee of the whole, was determined in the negative.

The Senate having refused to strike out the first section,

Mr. Martin moved to strike out the whole of the said bill, except the first section, with a view to amend the same. And

Mr. Cameron moved to refer the bill to a select committee, which reference was agreed to, and the said committee consists of Messrs. Cameron, Martin, Seawell, Hill of Franklin, and Wellborn.

The Senate continued on the orders of the day ; and the bill to authorise the making of a turnpike road from Asheville by the Warm Springs to the Tennessee line, and to incorporate a company for that purpose, was read the second time, and amended on motion of Mr. Brittain, by inserting, in the 5th line of the 5th section, after the word "Asheville," the following, "at which time and place there shall be annually an election of a President and Directors,"—also to strike out the 7th section, and insert the following :

*And be it further enacted*, that the said turnpike road hereby authorised, shall be made by the President and Directors thirty feet in width, clear of obstructions, except in such places as shall require the whole width to be made by side cutting, where it shall be twenty feet wide ; and where it may be necessary to carry it around precipitous promontaries, it shall be ten feet wide, clear of all drains and breast works. The inclinations of said road shall not exceed from one foot perpendicular to ten feet horizontal ; and recourse shall be had to this steepness as seldom as it shall be possible to avoid it. And so soon as the said road shall be completed as aforesaid, the President and Directors shall give public notice thereof.

Also by adding a proviso, "that the said Company shall not erect toll-gates on the said road, within seven miles of the town of Asheville." The question then recurred on the passage of the said bill the second time, which question was determined in the affirmative.

The Senate continued on the orders of the day ; and the bill to compel an executor or an executrix to give security in certain cases, was read the second time ;

Mr. Seawell moved to amend the same by inserting in the 11th line of the first section, the words "and all others interest-

ed as legatees or distributees, who are minors, feme covert, or reside beyond the limits of the State," and in the 18th line, the words "according to the provisions of his or her bond,"—Which amendments were agreed to.

Mr. Martin moved to further amend the same, by adding in the 18th line thereof, the following: "Who shall enter into bond with security in the same way, and be liable to the claims of creditors and all others, in like manner as an administrator with the will annexed, is now required to give bond and security, and is now liable to the claims of creditors and others;" which was agreed to.

Mr. Martin moved to further amend the said bill by inserting the following words in the 20th line, "or that advertisement has been made in the manner hereinafter prescribed;" which was agreed to.

Mr. Martin moved to further amend the same by inserting in the third line of the third section, after the word "served," the following words: "and where it is stated in any petition on oath, that the defendant or defendants has or have removed from this State, or where a return of *non est inventus* has been made by the returning officer, any of the said Courts shall be authorised to order notice of said petition to be advertised in some newspaper, and upon such advertisement being made, any of the said Courts shall be authorised to proceed thereon, in the same way as if a copy of such petition had been served;" which was agreed to.

The question then recurred on the passage of the said bill, the second time, as amended, and the question thereon was determined in the affirmative.

The Senate continued on the orders of the day, and the bill to amend the laws making provision for widows, was read the second time.

Mr. Martin moved to amend the same by inserting in the eleventh line of the first section, the following words, after the word "furniture," "and such portion of the household and kitchen furniture as in the opinion of the Commissioners appointed to lay off her year's provision, may be deemed necessary for her comfort and convenience," and also the same words in the 17th line of the second section; which amendments were agreed to.

Mr. Seawell moved to further amend the same, by inserting another section in the following words, to wit:

*And be it further enacted,* That whenever any widow of a deceased person shall file her petition for her year's support, together with the articles allowed by this act, and the same shall be granted, it shall not be lawful to tax any costs against such petitioner.

Which was agreed to.

The question then recurred on the passage of the said bill the second time, as amended, and the same was determined in the affirmative.

The bill to repeal so much of the several acts of Assembly of this State, as requires persons who complain of injury done to the health

of their families, to petition to their County Courts, was read the second time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to amend an act, entitled "An act to extend and improve the two roads leading from Wilkesborough to the Tennessee line, so far as respects the appointment of Commissioners, and for other purposes;" with an amendment to strike out the word "five," in the first line of the second sheet, and insert the word "three," and asking the concurrence of the Senate; which was read and agreed to, and sent to the House of Commons.

The engrossed bill to amend an act passed in the year 1777, entitled "An act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for and pay the same, and for other purposes," was read the second time and passed.

Mr. Seawell presented a bill to regulate the practice in the Circuit Courts of this State, which was read the first time and passed.

The Senate adjourned to 10 o'clock, to-morrow morning.

*Monday, December 8, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to alter the name of Joseph Scott and to legitimate him, in which they ask the concurrence of that House.

Received from the House of Commons, the Report of the Board of Internal Improvement, accompanying which is a message from that House, proposing that it be printed, four copies for each member; which proposition was agreed to, and a message was sent to the House of Commons, proposing that the Report be referred to the committee of the two Houses, on Internal Improvement.

Received from the House of Commons, a message, stating that they have passed a bill to secure the rights of landlords against tenants, holding over after the expiration of their terms; which was read the first time and passed.

The bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose, was read the third time.

Mr. Seawell moved to amend the same in the 11th line of the 3d section, by inserting after the word "State," the following: "And for the payment of which the other subscribers of stock, shall be jointly and severally bound in their individual capacity."

Mr. Cameron moved to amend the amendment, by striking out so much thereof, as binds the other subscribers of stock jointly and severally, in their individual capacity, and to insert the words, "the funds and property of the corporation hereby created, shall be liable;" which was not agreed to.

The question then recurred on the adoption of the amendment offered by Mr. Seawell, and the same was determined in the affirmative.

On the adoption of this amendment, the yeas and nays were demanded by Mr. Williams, which were as follows:

For the amendment are,

YEAS—Messrs. Albritton, Baker, Bowers, Boddie, Devane, Ferebee, Flowers, Forney, Gibbs, Gray, Gavin, Harrell, Hill, of Franklin, Hill, of Stokes, Hawkins, Hatch, of Wayne, Jackson, Marsh, M'Leod, M'Leary, Murphey, Outlaw, Phifer, Perkins, Pearsall, Parker, Peebles, Pool, Riddick, Shipman, Speight, Seawell, Vanhook, Williams, Whitfield, Ward--36.

Against the amendment, are

NAYS—Messrs. Alexander, Brittain, Bullock, Bryan, Bethune, Burges, Beasley, Callaway, Caldeleugh, Cameron, Cox, Frink, Graves, Hatch, of Jones, Love, Legrand, Marshall, M'Dowell, Martin, Sneed, Sumner, Scales, Torrence, Wall, Wellborn--25.

Mr. Love moved further to amend the said bill, by striking out the word "seven," and inserting "six," in the third section, which was agreed to; thereupon the same as amended, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to amend the laws making provision for widows, was read the third time.

Mr. M'Dowell moved to strike out the words "household," and,

Mr. Hill of Franklin, moved that the said bill be referred to a select committee, which was agreed to; and the said committee consists of Messrs. Hill of Franklin, Seawell, Martin, Bryan and M'Dowell.

The bill to compel an executor or an executrix to give security in certain cases, was read the third time and amended, on motion of Mr. Martin, by adding the fifth section, to-wit:

*And be it further enacted,* That the security taken under the authority of this act shall have relief against the principal in like manner as the security of an administrator or executor, living out of the State, now has."

Thereupon, the said bill passed the third time, and was ordered to be engrossed.

The bill concerning a light infantry company, in the town of Edenton, was read the second time. Mr. Riddick moved to amend the same, by extending the provisions thereof to a light infantry company in the county of Perquimons; and Mr. Hill, of Stokes, moved that the said bill, with the amendment, be referred to the Committee on the Militia Laws; which was agreed to.

The engrossed bill to repeal an act, passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank and Canden," was read the third time and amended, on motion of Mr. Cameron—to strike out the words of the title, in the last line, after the word "as," and insert "relates to certain counties therein named;" and the said bill, as amended, passed the third time, and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to repeal so much of the several acts of Assembly of this State, as requires persons who complain of injury done to the health of their families, to petition to the County Courts, was read the third time. Mr. Hill, of Stokes, moved that the said bill be indefinitely postponed. There being twenty-seven in the affirmative and twenty-six in the negative, thereupon, the Speaker of the Senate voted in the negative, and the motion was lost. The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative, and the said bill was ordered to be engrossed.

The bill to regulate the practice in the Circuit Courts of this State, was read the second time.—Mr. Cameron moved to amend the same, by striking out the word "required," in the 8th line, and inserting the word "authorised;" which was not agreed to. Mr. Cameron then moved that the said bill lie on the table; which was agreed to.

The following engrossed bills, to-wit: a bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jun'r, deceased, to remove off a certain building erected on the four hundred acres of public land in the Cherokee Purchase, reserved for the future disposition of the Legislature;" a bill to amend an act, passed in the year 1777, entitled "an act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrears, to account for and pay the same, and for other purposes;" a bill to amend an act, passed in the year 1819, entitled "an act relating to the apprehension of runaway slaves;" and a bill concerning the public land in the county of Haywood, were severally read the third time and passed, and ordered to be enrolled.

Mr. Callaway presented a bill to repeal an act, passed in the year 1822, entitled "an act supplemental to an act, passed at the last session of the General Assembly, entitled an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick," so far as relates to the county of Ashe; which was read the first time and passed.

Mr. Ferebee presented the resignation of Thomas Jarvis, a Justice of the Peace of Currituck county; which was read and accepted.

The Senate adjourned to 10 o'clock to-morrow morning.

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*Tuesday, December 9, 1823.*

The Senate met agreeably to adjournment.

Mr. Torrence presented the petition of sundry inhabitants of Iredell county, praying that the militia of said county be divided into two regiments, accompanied with a bill to carry into effect the prayer of the petitioners; which bill was read the first time and passed; and,

On motion of Mr. Torrence, were referred to the Committee on the Militia Laws.

Mr. M'Leary presented the petition of Thomas Elliot, of Mecklenburg county, a pensioner of this State, praying for an additional allowance; which was referred to the Committee of Propositions and Grievances.

Mr. Love, from the committee of Claims, to whom was referred the petition of William Lytle, of the state of Tennessee, reported the following resolution :

*Resolved*, That the Public Treasurer be, and he is hereby directed to pay to William Lytle, of the county of Rutherford and State of Tennessee, the sum of three hundred and sixty-one pounds seven shillings and sixpence, in remuneration for lands which the said William purchased in the county of Randolph and State of North-Carolina, as confiscated property, which have been recovered from him by a grant from the State to Richard Sears; and that the Treasurer be allowed for the same in the settlement of his public account.

Which was read the first time and passed.

Mr. Brittain presented the petition of James Kirkindale, on the subject of a turnpike road; which was referred to the Committee on Internal Improvement.

Mr. Peebles presented the following resolution :

*Resolved*, That William Drew, Esq. Attorney-General, be allowed the compensation fixed by law for the counties of Johnston, Warren, Halifax and Northampton, while Courts of said counties he was, from severe illness, prevented from attending.

Which was read the first time and passed.

Mr. Gray presented the following resolution :

*Resolved*, That the committee to whom was referred that part of the Governor's message which relates to the Criminal Law of this State, be instructed to enquire into the expediency of establishing a Penitentiary in this State; and whereas, it is believed that the monies paid by the several counties in this State, under existing laws, for the conviction and punishment of felons, would, in a few years, amount to a sum sufficient to erect a Penitentiary,

*Resolved*, That the said committee be instructed to adopt such measures as they may deem most advisable, for the purpose of obtaining and laying before our next Legislature an estimate of the sums paid by the several counties in this State for the years 1822 and 1823, on convictions and punishments, under our present Criminal Code.

Which was agreed to.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose; a bill to repeal so much of the several acts of Assembly of this State as requires persons who complain of injury done to the health of their families, to petition to the County Court; and a bill to compel an executor or executrix to give security in certain cases—in which they ask the concurrence of that House.

Mr. Parker presented a bill to amend an act, passed in the year 1822, to limit the term of office of certain persons therein named; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to add a part of Currituck county to the county of Hyde; and a resolution in favor of the Trustees of the Uni-

versity. Thereupon, the said bill was read the first time and passed; and the resolution was adopted and ordered to be enrolled.

The Senate entered upon the orders of the day, and the bill for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State, was read the second time. Mr. Love moved that the further consideration of the said bill be postponed until Thursday next; which was agreed to; and,

On motion of Mr. Cameron, the same was ordered to be printed.

The Senate continued on the orders of the day, and the bill to secure the rights of landlords against tenants holding over after the expiration of their terms, was read the second time and passed.

The engrossed bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county, was read the third time and passed, and ordered to be enrolled.

The bill to repeal an act, passed in the year 1822, entitled an act supplemental to an act, passed at the last session of the General Assembly, entitled "an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick," so far as relates to the county of Ashe, was read the second and third time and passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of Alexander Nicholson, Colonel Commandant of the militia of Richmond county, endorsed in that House, read and accepted; which was also read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Wednesday, December 10, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act passed in the year 1822, entitled "an act supplemental to an act passed at the last session of the General Assembly, entitled "an act to allow commissions to constables in the counties of Warren, Northampton and Brunswick," so far as relates to the county of Ashe, in which they ask the concurrence of that House.

Mr. Legrand presented the petition of John Christian and Thos. Kirk, of the county of Montgomery, praying the repeal or modification of an act passed at the last session of the General Assembly, establishing a free ferry in said county.

Mr. Cameron presented the counter petition of Josiah Turner and William Turner, of Orange county, remonstrating against the emancipation of certain slaves—which were severally referred to the committee of Propositions and Grievances.

Mr. Cox presented the petition of sundry inhabitants of Washington county, concerning the erection of the public buildings of said county at Plymouth—And also a bill to carry into effect the prayer of the petitioners, which bill was read the first time and passed.

Mr. Love, from the committee of Claims, to whom was referred the petition of John H. Hill, Colonel of the Carteret county militia, reported the following resolution :

*Resolved*, that the Treasurer, Comptroller, and Secretary of State, be and they are hereby appointed to audit and liquidate the claims of the officers and men composing a detachment of the militia of Carteret county, ordered out under the command of Col. John H. Hill, to suppress a number of slaves and free people of colour, collected together in arms in said county, in the year 1821, and to allow to each individual the sum to which they are entitled under the laws then in force.

*Resolved further*, that when the claims aforesaid shall be thus liquidated, the Public Treasurer be and he is hereby directed to pay to each individual, their agent, or attorney, the sum thus allowed them respectively, and that he be allowed the same in the settlement of his accounts.

Which was read the first time and passed.

Mr. Hatch, of Jones, presented the following resolution :

*Resolved*, that the Committee of Claims enquire into the propriety of allowing the claims of the militia of Jones county, for services in suppressing outrages of slaves and other persons of colour, in the year 1821.

Which was agreed to.

Mr. Pearsall, from the committee appointed pursuant to a resolution of the Senate, directing an enquiry on the subject of the inspection laws, reported a bill to amend the inspection laws of this state, so far as respects tarptentine, which was read the first time and passed.

The resolution in favour of Wm. Drew, Esq. Attorney-General, was read the second time, and on motion, it was resolved by the Senate, that the same shall not pass.

Received from the House of Commons, a message, stating their agreement that the Report of the Board of Internal Improvement, be referred to the joint committee on Internal Improvement, as proposed by the Senate. And also, a message, stating that the House of Commons, accede to the amendments made by the Senate, in the bill to repeal an act passed in the year 1822, entitled an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Perquimons, Pasquotank & Camden.

Thereupon, the said bill was ordered to be enrobed.

Mr. Brittain presented a bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe, which was read the first time and passed.

The Senate adjourned until to-morrow morning, 10 o'clock.

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Thursday, December 11, 1823.

The Senate met agreeably to adjournment.

Mr. Boddie presented the petition of sundry inhabitants of the county of Nash, praying authority to remove certain public buildings in the town of Nashville, which was referred to the committee of Propositions and Grievances.

Mr. Sneed, from the select committee to whom was referred the bill to consolidate and amend the several laws of this state, relative to the processioning of land, reported the said bill with sundry amendments, which were agreed to; and thereupon, on motion of Mr. Sneed, the same was made the order of the day for Monday next.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of Sarah Pinnix, of Surry county, reported the following resolution:

*Resolved*, that the prayer of the petitioner ought to be granted.

Which was agreed to.

Mr. Cameron, from the select committee to whom was referred the bill to amend and extend an act passed in the year 1806, entitled an act for the more convenient administration of justice within this state, by providing relief for the counties in which suits in their Superior Courts of Law and Courts of Equity, have or may so accumulate that they cannot be tried at the regular terms of those Courts, reported the said bill with an amendment to strike out the whole of the bill to them referred, except the words "a bill," and recommending the adoption of the amendment submitted, which was agreed to; and

On motion of Mr. Phifer, the same was ordered to be printed, and made the order of the day for Monday next.

Mr. Phifer presented the following resolution:

*Resolved*, that a message be sent to the House of Commons, proposing that Saturday evening next be set apart for the purpose of appointing Justices of the Peace and Militia Officers;

Which message was sent accordingly.

Mr. Seawell presented the petition of Samuel Carpenter, praying for a military land warrant, for services rendered by Jonathan Carpenter in the revolutionary war, which was referred to the committee of Propositions and Grievances.

The bill to repeal an act passed in the year 1814, entitled an act allowing compensation to the sheriff or returning officer, who shall hold the poll for the election of members to represent the county of Carteret in the General Assembly, and for members of Congress, and for electors to vote for a President and Vice-President of the United States, was read the third time; and, on motion, it was resolved by the Senate, that this bill shall not pass.

The bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe, was read the second time, and the question on the passage of the said bill, was determined in the affirmative.

Mr. Wellborn presented a bill to amend an act passed in the year 1795, entitled an act for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon, a court-house, prison and stocks. And

Mr. Baker presented a bill to amend an act passed in the year 1813, entitled an act to exempt vessels, under sixty tons burthen, entering the Cape-Fear river, from paying pilotage;

Which bills were severally read the first time and passed.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Friday, December 12, 1823.*

The Senate met agreeably to adjournment.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Thomas Elliott, of the county of Mecklenburg, reported the following resolution:

*Resolved*, that the Public Treasurer be and he is hereby authorised to pay to Thomas Elliott, of Mecklenburg county, who was placed on the pension roll of this State in the year 1819, the further sum of twenty-five dollars annually, in addition to the sum now allowed by law.

Which was read the first time and passed.

Mr. Williams presented the petition of sundry inhabitants of Long Acre District, in the county of Beaufort, praying an amendment to the act of 1820, for the better organization of the militia of Beaufort county, and a bill to carry the prayer of the petitioners into effect; which bill was read the first time and passed.

Mr. Graves presented a bill to amend an act passed in 1821, entitled an act to compel the Clerks of the Superior and County Courts of Surry, to keep their office at the court-house in the town of Rockford; and Mr. Wall presented a bill to establish a light infantry or volunteer company in the county of Richmond; which bills were severally read the first time and passed.

The engrossed bill to secure the rights of landlords against tenants holding after the expiration of their terms, was read the third time and passed, with the following proviso, offered by Mr. Seawell:

*Provided nevertheless*, that it shall be competent for the defendant or tenant in possession, to rebut by his or her affidavit, the facts set forth in the affidavit offered on the part of the lessor of the Plaintiff, and the Court in such cases shall decide thereon, and may, in its discretion, allow the affidavits on either side to be corroborated by other affidavits, or evidence.

And a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to alter the names of Charles Alexander Williams and others, and to legitimate them, was read the third time and passed; and amended, on motion of Mr. Forney, by adding the second section, to-wit:

*And be it further enacted*, That the name of Elizabeth Wade of Northampton county, be, and the same is hereby altered to that of Elizabeth Deloatch, and she is hereby legitimated and made capable to inherit and enjoy any estate, either real or personal, in as full and ample a manner as if she had been born in actual wedlock.

Thereupon the said bill was ordered to be engrossed.

The bill securing to Jane Wellborn, of Randolph county, the property she may hereafter acquire, was read the third time and amended on motion of Mr. Forney, by extending the provisions of the said bill to the relief of Sarah Pennix, of Surry county; thereupon the said bill was passed and ordered to be engrossed.

Received from the House of Commons, a message, proposing that a balloting take place this morning, for a Brigadier-General of the 11th brigade of the militia, and nominating for that appointment Thomas G. Polk, John N. Phifer and John Dargan; which proposition was agreed to, and Mr. M'Dowell and Mr. Hatch of Wayne, were appointed Superintendants of the balloting on the part of the Senate, and a message was received from the House of Commons, stating that Mr. Hunter and Mr. Sellers were appointed superintendants of the balloting on the part of that House.

Received from the House of Commons, a message, stating that they have passed a bill directing a Court of Oyer and Terminer to be held for the county of Wake; a resolution in favour of Job Georges, and a resolution in favour of John S. Russwurm; and asking the concurrence of the Senate.

Thereupon the said bill was read the first time and passed, and the resolutions were severally read and adopted, and ordered to be enrolled.

The bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have excused Mr. Fisher from serving on the Committee of Enrollment, and appointed Mr. Graham in his stead.

The bill to amend an act passed in the year 1795, entitled "an act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a Court-house, Prison, and Stocks," was read the second time and passed, and amended on motion of Mr. Wellborn, by filling up the several blanks therein; and thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Hatch, of Wayne, from the committee appointed to conduct the balloting for a Brigadier-General of the 11th brigade, reported that no person in nomination had received a majority of the votes.

The bill to authorise the erection of the Public Buildings of Washington county, at Plymouth, was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act passed in the year 1813, entitled "an act to exempt vessels under sixty tons burden, entering Cape Fear River, from paying pilotage," was read the second time and passed; and,

On motion of Mr. Cox, the same was amended by adding the following provision:

*Provided*, That this act shall not apply to vessels owned and commanded by any of the citizens of this State.

Received from the House of Commons, a message, proposing that a balloting immediately take place for a Brigadier-General of the 11th brigade of militia, and stating that the name of John Dargan is withdrawn from the nomination ; which proposition was agreed to, and Mr. Alexander and Mr. Legrand were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating their concurrence in the amendment made by the Senate to the bill to secure the rights of landlords against tenants holding over after the expiration of their terms ; thereupon the said bill was ordered to be enrolled.

The bill to amend an act passed in the year 1821, entitled "an act to compel the Clerks of the Superior and County Courts of Surry, to keep their office at the Court-House in the town of Rockford ;" a bill to amend an act passed in the year 1820, for the better organization of the militia of Beaufort county ; a bill to establish a Light Infantry Company, in the county of Richmond ; and a resolution in favour of Thomas Elliott of Mecklenburg county, were severally read the second and third times, and passed and ordered to be engrossed.

The bill to amend an act passed in the year 1822, to limit the term of office of certain persons therein named, was read the second time, and it was resolved by the Senate that this bill shall not pass.

Received from the House of Commons, a message, stating that Mr. Bain and Mr. Lamon, attend the Senate as superintendents of the balloting for a Brigadier-General of the 11th brigade of militia.

The engrossed bill to add a part of Currituck county to Hyde county, was read the second and third time and ordered to be enrolled.

The bill to amend the Inspection Laws of this State, so far as respects Turpentine, was read the second time and passed.

On motion of Mr. Cameron, the Senate proceeded to the consideration of the bill to regulate the practice in the Circuit Courts of this State ; which was read the second time and passed.

Mr. Martin presented a bill to authorise Alexander Long to erect and keep up a gate across the road in Rowan county ; which was read the first time and passed.

Received from the House of Commons, the resignations of David McCracken of Randolph county, and A. Carraway of Anson county, Justices of the Peace, and Shubal Gardner, Colonel Commandant of the Cavalry attached to the 6th brigade of the militia ; which were endorsed in that House, read and accepted, and the same were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock to-morrow morning.

*Saturday, December 13, 1823.*

The Senate met agreeably to adjournment.

Mr. Legrand, from the committee appointed to conduct the balloting for a Brigadier-General of the 11th brigade of the militia, reported that no person in nomination had received a majority of the votes.

Mr. Williams presented a bill to legitimate Helen Godley, Mehala Godley and Benjamin Godley, which was read the first time and passed.

Mr. Wall presented the petition of Hugh M'Carn of Richmond county, praying that certain money which he has paid into the Treasury for land, be refunded to him; which was referred to the Committee of Claims.

Received from the House of Commons, a message, proposing to ballot immediately for a Brigadier-General of the 11th brigade of the militia of this State, and stating that Mr. Pugh and Mr. Thompson are appointed superintendants of the balloting on the part of that House; which proposition was agreed to, and Mr. Wall and Mr. M'Dowell were appointed superintendants of the balloting on the part of the Senate.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Hall and Fraly of Rowan county, and the counter memorial of Eliza Pearson and others, of said county, reported the following resolution:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Which was agreed to.

Mr. Hatch of Jones, from the Committee on Agriculture, to whom was referred the bill to repeal the latter clause of the 8th section, and the whole of the 9th, 10th and 11th sections of an act passed by the last General Assembly, entitled "an act to promote Agriculture and Family Domestic Manufactures in this State," reported the said bill without amendment: thereupon Mr. Forney moved that the said bill be indefinitely postponed; and the question thereon was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. M'Dowell, and are as follows:

For the indefinite postponement are,

YEAS—Messrs. Alexander, Baker, Brittain, Bullock, Bethune, Burges, Boddie, Beasley, Callaway, Caldcleugh, Cameron, Cox, Devane, Frink, Ferrebee, Forney, Gray, Graves, Hatch of Jones, Hill of Stokes, Hatch of Wayne, Hawkins, Jackson, Legrand, Marshall, Marsh, M'Leary, Murphy, Phifer, Perkins, Pearsall, Parker, Shipman, Sneed, Scales, Seawell, Torrence, Williams, Wilson, Whitfield, Wall—42.

Against the indefinite postponement, are

NAYS—Albritton, Bowers, Flowers, Gibbs, Gavin, Harrell, Love, M'Leod, M'Dowell, Martin, Outlaw, Peebles, Pool, Riddick, Speight, Sumner, Vanhook, Ward, Wellborn—19.

On motion of Mr. Scales, a message was sent to the House of

Commons, proposing that the two Houses ballot immediately, for a Board of Internal Improvement, for the ensuing year, and nominating for the appointment, M. Stokes, D. Cameron, Thomas Turner, D. Hatch, J. Owen, and J. D. Hawkins.

Mr. Beasley presented the memorial of Joseph and Ann Wynne, of Tyrrell county, praying provisign for the payment of certain costs; which was referred to the Committee of Propositions and Grievances.

Mr. M'Dowell, from the committee appointed to conduct the balloting for a Brigadier-General of the 11th brigade, reported that John N. Phifer was duly elected; which report was concurred in.

Received from the House of Commons, a message, stating that they have passed a bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation; and a bill to amend an act passed at the last session of the General Assembly, entitled "an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county;" and asking the concurrence of the Senate.

Thereupon the said bills were read the first time and passed.

The bill to regulate the practice in the Circuit Courts of this State, was read the third time and amended on motion of Mr. Seawell, by striking out the words "Circuit Courts," in the title of the bill, and also the same words in the enacting clause, and to insert "Superior Courts of Law."

The question then recurred on the passage of the said bill the third time; and the question thereon was determined in the negative.

On this question the yeas and nays were demanded by Mr. Pearsell, and are as follows:

For the passage of the bill, are

YEAS—Messrs. Albritton, Baker, Bullock, Burges, Bowers, Beasley, Cox, Ferree, Gibbs, Graves, Harrell, Hawkins, Love, Legrand, Martin, Perkins, Parker, Pool, Peebles, Riddick, Shipman, Speight, Seawell, Vanhook, Williams, Wall, Wellborn—27.

Against the passage of the bill are,

NAYS—Messrs. Alexander, Brittain, Bryan, Bethune, Caldcleugh, Cameron, Devane, Frink, Flowers, Forney, Gray, Gavin, Hatch of Jones, Hill of Stokes, Hatch of Wayne, Jackson, Marshall, M'Dowell, Marsh, M'Leod, M'Leary, Murphy, Outlaw, Phifer, Pearsall, Sneed, Sumner, Scales, Torrence, Wilson, Whitfield, Ward—32.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to repeal so much of the several acts of the General Assembly of this State, as requires persons who complain of injury done to the health of their families, to petition to the County Court.

Mr. Pearsall presented the resignation of Stephen Miller, sen'r. Colonel Commandant of the militia of Duplin county; which was read and accepted and sent to the House of Commons.

The Senate adjourned to 10 o'clock, Monday morning.

*Monday, December 15, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act passed in 1821, entitled "an act to compel the Clerks of the Superior and County Courts of Surry, to keep their offices at the Court-House in the town of Rockford"—A bill to amend an act passed in the year 1795, entitled "an act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a Court-House, Prison, and Stocks"—A bill to amend an act passed in the year 1820, for the better organization of the militia of Beaufort county—A bill securing to Jane Wellborn of Randolph county, and Sarah Pennix of Surry county, the property they may hereafter acquire"—A bill to authorise the erection of the Public Buildings of Washington county at Plymouth—A bill for the regulation of the Courts of Pleas and Quarter Sessions of Buncombe county—A bill to establish a light infantry or volunteer company, in the county of Richmond—A bill to alter the names of Charles Alexander Williams and others, and to legitimate them; and a resolution in favour of Thomas Elliott of Mecklenburg county, in which they ask the concurrence of that House.

Mr. Graves, from the Committee on the Militia Laws, to whom was referred the bill concerning a Light Infantry Company, in the town of Edenton, reported the said bill without amendment; whereupon the same was read the second time, and it was resolved by the Senate that this bill shall not pass.

Mr. Graves, from the same committee to whom was referred the bill to divide the militia of Iredell county into two regiments, reported the said bill without amendment, which was read the second time and passed.

Mr. Legrand presented a bill to authorise Parham Kirk to collect the arrears of taxes due him, for the years therein mentioned.

Mr. M'Leod presented a bill to authorise and empower the Commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes.

Mr. M'Dowell presented a bill to allow commissions to constables on all sums above sixty dollars.

Mr. M'Leary presented a bill concerning the estates of persons non compos mentis.

Mr. Seawell presented a bill respecting the marriage of infants who belong to any seminary of learning within this State.

Which were severally read the first time and passed.

The engrossed bill to amend an act, passed at the last General Assembly, entitled "an act supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county," was read and amended, on motion of Mr. Martin, with the

following proviso : " Provided, that nothing in this act contained is intended in any way to affect the dividing line heretofore established between Rowan and Davidson." Thereupon, the said bill was passed the second and third time ; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend the inspection laws of this State, so far as respects turpentine, was read the third time and passed ; and amended, on motion of Mr. Pearsall, by adding the words " returned and," in the third line of the second section ; and, thereupon, the same was ordered to be engrossed.

The bill to legitimate Helen Godley, Mehalah Godley and Benjamin Godley ; and the bill to authorise Alexander Long to erect and keep up a gate across the road in Rowan county, were severally read the second and third time and passed, and ordered to be engrossed.

Mr. M'Dowell moved to reconsider the bill which was rejected by the Senate, on Saturday last, to regulate the practice in the Superior Courts of Law of this State. There being an equal number for and against this motion, the Speaker of the Senate voted in the affirmative ; and the said bill being reconsidered, on motion of Mr. M'Dowell, the further consideration thereof was postponed until tomorrow.

Mr. Cameron, from the joint committee on Internal Improvement, reported a bill concerning the Roanoke Navigation Company ; and a bill concerning the Clubfoot and Harlow's Creek Canal Company ; which bills were severally read the first time and passed.

The bill to amend an act, passed in the year 1813, entitled " an act to exempt vessels under sixty tons burden, entering the Cape-Fear river, from paying pilotage," was read the third time and passed, and ordered to be engrossed.

The Senate entered upon the orders of the day, and the bill to amend an act, passed in the year 1806, entitled " an act for the more uniform and convenient administration of justice within this State, was read the second time. Mr. Hill, of Franklin, moved to amend the bill, by striking out the tenth section, and to insert the following :

*" Be it further enacted, That so much of the several acts of Assembly heretofore passed, establishing Superior Courts of Law and Courts of Equity, be and the same are hereby repealed ; and that the Courts appointed and established by this act, shall be holden by seven Judges, to be elected by joint ballot of both Houses of the present General Assembly, and commissioned by the Governor."*

Mr. Callaway moved that the bill, with the amendment under consideration, be indefinitely postponed ; which was not agreed to. The question then recurred on the adoption of the amendment offered by Mr. Hill, of Franklin, and the question thereon was determined in the negative.

The yeas and nays on this question being demanded by Mr. Be-thune, are as follows:

For the amendment is,

YEA—Mr. Hill, of Franklin—1.

Against the amendment are,

NAYS—Messrs. Albritton, Alexander, Baker, Brittain, Bullock, Bryan, Bethune, Burges, Bowers, Boddie, Beasley, Callaway, Caldcleugh, Cameron, Cox, Devane, Frink, Flowers, Forney, Gibbs, Gray, Gavin, Graves, Harrell, Hatch, of Jones, Hill, of Stokes, Hawkins, Hatch, of Wayne, Jackson, Love, Legrand, Marshall, M'Dowell, Marsh, M'Leod, M'Leary, Murphy, Martin, Outlaw, Phifer, Perkins, Pearsall, Parker, Peebles, Pool, Riddick, Sneed, Speight, Sumner, Scales, Seawell, Torrence, Vanhook, Williams, Wilson, Ward, Wall, Wellborn—58.

The said bill being still under consideration, Mr. Pearsall moved to strike out the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th sections; which was not agreed to.

Mr. Seawell moved to amend the bill, by adding the following proviso to the 15th section, to wit: “Provided always, that no special Courts shall be ordered by the Governor, except in instances where the failure to determine all the cases in the Courts pending, arises from the accumulation of business;” which was agreed to. The question then recurred on the passage of the said bill the second time; which was determined in the affirmative.

The Senate adjourned to 10 o'clock, to-morrow morning.

*Tuesday, December 16, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, passed in the year 1813, entitled “an act to exempt vessels under sixty tons burden, entering the Cape-Fear river, from paying pilotage;” a bill to authorise Alexander Long to erect and keep up a gate on the road leading by his lower ferry on the Yadkin river; a bill to amend the inspection laws of this State, so far as respects turpentine; and a bill to legitimate Helen Godley, Mehalah Godley and Benjamin Godley—in which they ask the concurrence of that House.

The bill to authorise Parham Kirk, late Sheriff of Montgomery, to collect the arrears of taxes due him for the years therein mentioned, was read. Mr. Williams moved to amend the said bill, by adding the second section, to-wit :

“*And be it further enacted, That Allen Grist, of Beaufort county, be, and he is hereby authorised to collect the arrearages of taxes for said county, for the years 1819 and 1820, under the same regulations and restrictions as other public taxes are collected in this State.*”

Which was agreed to; and

The said bill was further amended, by extending the same authority to Robert Vanhook, late Sheriff of Person county, the representatives of Alexander Frohock, late Sheriff of Rowan county, and Henry Alexander, Sheriff of Tyrrell county.

The question then recurred on the passage of the said bill the second time, as amended, and the same was determined in the affirmative. Thereupon, the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Cameron, from the joint committee on Internal Improvements, reported a bill concerning the Cape-Fear Navigation Company; which was read the first time and passed.

The bill to authorise and empower the Commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes, was read the second and third time and passed, and ordered to be engrossed.

The bill to divide the militia of Iredell county into two regiments, was read the third time and passed, and ordered to be engrossed.

Mr. Jackson presented a bill to amend an act, passed in the year 1822, entitled "an act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Moore; and a bill to repeal an act, passed in the year 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as the same relates to the county of Moore.

Mr. M'Dowell presented a bill supplemental to an act, passed this session of the General Assembly, entitled "an act incorporating Morganton Academy."

Mr. Baker presented a bill to amend an act, passed in the year 1816, entitled "an act respecting the academy and town of Smithville, in Brunswick county;" and.

Mr. Callaway presented a bill creating a permanent fund for Internal Improvements, and to consolidate the several acts of Assembly creating funds for that purpose.

Which were severally read the first time and passed.

Mr. Cameron, from the joint select committee on Internal Improvements, to whom was referred a bill to amend an act, entitled "an act to appoint commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough to Mrs. Bogle's, in Iredell county," reported the said bill without amendment. Thereupon, the said bill was read the second time and passed.

Received from the House of Commons, a message, stating that they have passed a resolution in favor of the heirs of John Rice, deceased; and a resolution in favor of John Ray; and asking the concurrence of the Senate. Thereupon, the said resolutions were severally read and adopted, and ordered to be enrolled.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the memorial of Levi Whithead, executor of the last will and testament of John Whithead; and the counter memorial of Josiah Turner, of Orange county, administrator of Anne

Whithead, dec'd, relative to the emancipation of certain slaves, reported the following resolution :

*Resolved*, That the prayer of the memorialist ought not to be granted.  
Which was agreed to.

The Senate entered upon the orders of the day, and the bill to consolidate and amend the several laws of this State relative to the processioning of land, was read the second time; and after adopting sundry amendments offered by Mr. Sneed, and excluding from the provisions of the said bill the counties of Brunswick, Warren, Burke, Randolph, New-Hanover, Moore and Ashe, it was resolved by the Senate, that this bill shall not pass.

The Senate continued on the orders of the day, and the engrossed bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation, was read the second time. Mr. Cameron moved to strike out the words "joint ballot of both Houses of the Legislature," and insert "the Governor of the State," in the first section of the bill; which was agreed to; and,

On motion of Mr. Phifer, the further consideration thereof was postponed until to-morrow.

The Senate continued on the orders of the day; and the bill to amend an act passed in 1806, entitled an act for the more uniform and convenient administration of justice within this State, was read the third time, and on motion of Mr. Wellborn, referred to a select committee, which consists of Messrs. Wellborn, Forney, Torrence, Martin, Cameron, Vanhook, Bethune and Marshall.

The engrossed bill directing a Court of Oyer & Terminer to be held for the county of Wake, was read the second time, and on motion of Mr. Martin, the further consideration thereof was postponed until to-morrow.

Received from the House of Commons, a message, stating that they agree to the amendment made by the Senate to the bill to amend an act passed at the last session of the General Assembly, entitled an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county; thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, the resignation of Thomas G. Polk, Colouel Commandant of the Cavalry attached to the 11th brigade of Militia; Wm Welch, Colonel Commandant of the Militia of Haywood county, and George E. Houston, Majof of the Militia of Duplin county—Frederick J. Cox, of Lenoir county, Thomas G. Polk, of Mecklenburg county, and Sion Alford, of Robeson county, as Justices of the Peace, which were endorsed in that House "read and accepted," and the same were severally read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Wednesday, December 17, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to authorise and empower the commissioners of the town of Smithfield, to levy and collect additional taxes, and for other purposes, and a bill to authorise certain persons therein named, to collect arrearages of taxes, in which they ask the concurrence of that House.

Received from the House of Commons, a message, proposing that the bill to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by way of Gap Civil, in Ashe county; the resolution instructing the committee on Internal Improvements to enquire into the expediency of retaining the services of the Civil Engineer; the petition of sundry persons of Sampson county; and the petition of the citizens of Fayetteville, be referred to the committees of both Houses on Internal Improvements, which was agreed to.

The bill to amend an act, entitled an act to appoint commissioners to view and lay off the road leading across the mountain from the town of Wilkesborough to Mrs. Bogle's, in Iredell county, and the bill to amend an act passed in the year 1822, entitled an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret and Bertie, so far as the same relates to the county of Moore, were severally read, the first mentioned bill the third time, and the last mentioned bill the *second* and *third* time and passed, and ordered to be engrossed.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of Joseph and Ann Wynn, relative to the payment of certain costs, reported the following resolution:

*Resolved*, that the prayer of the petitioners ought *not* to be granted.

Mr. Seawell moved to amend the resolution, by striking out the word *not*—Which was agreed to.

Mr. McDowell moved that the resolution lie on the table—Which was not agreed to.

The said resolution was further amended, on motion of Mr. Seawell, by adding, “and that the Public Treasurer be, and he is hereby authorised to pay to the petitioners the sum of three hundred and fifty dollars and thirty-three cents.” Thereupon, the same as amended, was read the first time and passed.

Received from the House of Commons, a message, proposing that appointments of Field Officers and Justices of the Peace, be made, this evening at 4 o'clock—Which was agreed to.

Mr. Cameron, from the committee on Internal Improvements, reported a bill authorising the making and improving a road from Asheville to Rutherfordton, which was read the first time and passed.

The bill to repeal an act passed in the year 1822, entitled an act

to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as the same relates to the county of Moore—and the bill supplemental to an act passed this session of the General Assembly, entitled an act incorporating Morganton Academy, were severally read the second and third time and passed, and ordered to be engrossed.

The bill to amend an act passed in the year 1816, entitled an act respecting the Academy and town of Smithville, in Brunswick county, was read the second time;

Mr. Cameron moved to strike out the second section of the bill—Which was not agreed to.

Mr. Phifer moved to add the third section, to-wit:

*Be it further enacted*, that the managers of said Lottery shall be bound in their personal property for the payment of the prizes in said Lottery, and shall be individually sueable therefor, within six months from the time the prizes are drawn.

Which was agreed to.

The question then recurred on the passage of the said bill, the second time, which was determined in the affirmative. Thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons, the resignations of John Leach, of Johnston county, and A. R. Jones, of Rowan county, Justices of the Peace; and John Dargan, Major of the second regiment of the militia of Montgomery county, which were severally endorsed in that House, "read and accepted," and the same were read and accepted by the Senate.

Mr. Cameron, from the select committee to whom was referred the bill to amend an act passed in 1806, entitled an act for the more uniform and convenient administration of justice within this State, reported the said bill with sundry amendments; and the same being under consideration,

Mr. Hawkins moved that the bill, together with the amendments, be indefinitely postponed.—Which was not agreed to.

The amendments reported by the select committee, being agreed to, Mr. M'Leod moved to further amend the said bill, by adding the following after the 23d section:

*And be it further enacted*, that so much of this act as goes to provide for an additional Circuit Judge, and Solicitor, shall only continue in force        years from and after the ratification of this act.

And on moving this amendment, Mr. M'Leod proposed to fill up the blank therein, with the word "two."—Which was not agreed to.

The question then recurred on the adoption of the amendment—Which was not agreed to.

Mr. Seawell then moved further to amend the said bill, by adding the following section;

*And be it further enacted*, that with a view of facilitating the progress of business in the said Courts, it shall be the duty of the Judges holding said Courts, to confine their charges to the Petit Jury, exclusively to matters of law.

Which was not agreed to.

The question then recurred on the passage of the bill the third time, which was determined in the affirmative, and the same was ordered to be engrossed.

On the passage of the said bill, the Yeas and Nays were demanded by Mr. Speight, which were as follows.

For the passage, are

YEAS.—Messrs. Alexander, Baker, Bryan, Bethune, Burges, Caldcleugh, Cameron, Cox, Frink, Ferebee, Forney, Gray, Graves, Hatch, of Jones, Hatch, of Wayne, Hill, of Franklin, Jackson, Love, Legrand, Marshall, M'Leary, Murphrey, Martin, Phifer, Perkins, Sneed, Torrence, Wall, Wilson, Williams, Wellborn—31.

Against the passage of the bill, are

NAYS—Messrs. Albritton, Brittain, Bullock, Bowers, Boddie, Beasley, Callaway, Devane, Flowers, Gibbs, Gavin, Harrell, Hill, of Stokes, Hawkins, M'Dowell, Marsh, M'Leod, Outlaw, Pearsall, Parker, Pool, Riddick, Speight, Sumner, Scales, Seawell, Vanhook, Whitfield, and Ward—29.

Thereupon, the Senate adjourned to 4 o'clock, this evening.

*Wednesday evening—4 o'clock.*

The Senate met agreeably to adjournment.

The resolution in favour of Joseph and Ann Wynn, of Tyrrell county, was read the second and third time and passed, and ordered to be engrossed.

On the passage of the said resolution the third time, the Yeas and Nays were demanded by Mr. Parker, and were as follows.

For the passage of the resolution, are

YEAS.—Messrs. Albritton, Alexander, Baker, Brittain, Bullock, Bryan, Bethune, Burges, Bowers, Beasley, Cox, Devane, Frink, Ferebee, Flowers, Gibbs, Gray, Gavin, Graves, Hatch, of Jones, Hill, of Franklin, Jackson, Marshall, M'Leod, M'Leary, Murphrey, Martin, Phifer, Perkins, Hawkins, Pearsall, Peebles, Pool, Riddick, Sumner, Seawell, Torrence, Vanhook, Williams, Wilson, Wall, and Wellborn—42.

Against the resolution, are

NAYS—Messrs. Forney, Hill, of Stokes, M'Dowell, Marsh, Love, Parker & Sneed—7.

The bill to allow commissions to constables on all sums above sixty dollars, was read the second time; and

On motion of Mr. Sneed, indefinitely postponed.

Received from the House of Commons, a message, proposing to ballot immediately for a Major of Cavalry attached to the 17th brigade of the militia, and stating that the name of Wm. Davis is in nomination—Which was agreed to; and Mr. Williams and Mr. Hawkins were appointed superintendants of the balloting on the part of the Senate.

The bill concerning the estates of persons non compos mentis, was read the second time and passed.

Received from the House of Commons, a message, stating that Mr. Leonard and Mr. Lewis attend the Senate as superintendants of the balloting for a Major of Cavalry attached to the 17th brigade of militia.

The Senate adjourned to 10 o'clock to-morrow morning.

*Thursday, December 18, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act passed in the year 1822, entitled "an act making compensation to the jurors of the Superior and County Courts of Moore, Carteret, and Bertie, so far as the same relates to the county of Moore."

A bill supplemental to an act passed this session of the General Assembly, entitled "an act incorporating Morganton Academy."

A bill to amend an act, entitled "An act to appoint Commissioners to view and lay off the road leading across the mountains from the town of Wilkesborough, to Mrs. Bogle's in Iredell county;" a bill to amend an act passed in the year 1816, entitled "an act respecting the Academy and town of Smithville, in Brunswick county;" "a bill to divide the militia of Iredell county into two regiments, and the bill to amend an act passed in 1806, entitled "an act for the more uniform and convenient administration of justice within this State;" in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have rejected the following engrossed bills, to-wit :

A bill to authorise certain persons therein named, to collect arrearages of taxes; a bill to amend the Inspection laws of this State, so far as respects Turpentine, and a bill to amend an act passed in the year 1813, entitled "an act to exempt vessels under sixty tons burthen, entering the Cape Fear River, from paying pilotage."

Received from the House of Commons, a message, proposing that a balloting immediately take place for seven Councillors of State, for the ensuing year, and nominating William Davidson, Edmund Jones, Thomas Wynns, Gideon Alston, Theophilus Lacey, William Blackledge and David Gillaspie; which proposition was agreed to, and Mr. Bryan and Mr. Hatch of Wayne, were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that Allen Rogers and George W. Jeffreys are added to the nomination for Councillors of State, and that Mr. Brodnax and Mr. Brown are appointed to conduct the balloting on the part of that House.

Mr. Love, from the Committee of Claims, to whom was referred the resolution instructing them to enquire into the propriety of allowing claims of a detachment of the militia of Jones county, for services in suppressing outrages of slaves and other persons of colour in the year 1821, reported the following resolution :

*Resolved*, That the Treasurer, Comptroller and Secretary of State, be appointed a Board to audit and liquidate the claims of a detachment of the militia of Jones county, ordered out to suppress outrages of slaves and other persons of colour, in the year 1821.

*Resolved further*, That the Treasurer pay to the individuals respectively, or their agents or attorneys, such sums as may be allowed them by said Board, and that he be allowed the same in settlement of his accounts.

Which was read the first time and passed.

**Mr. Love**, from the same committee, to whom was referred a resolution of the Senate of the 6th inst. in favour of Samuel W. W. Vick, Sheriff of Nash county, reported the said resolution without amendment, which was read the second time; when it was determined by the Senate that the same should not pass.

**Mr. Hawkins**, from the committee appointed to conduct the balloting for a Major of Cavalry, attached to the 17th brigade of militia, reported that William Davis was duly elected; which report was concurred in.

**Mr. Peebles** presented a bill concerning usury, which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill to facilitate the navigation of Neuse river, and asking the concurrence of the Senate; thereupon the said bill was read the third time and passed.

A message was sent to the House of Commons, stating that the Senate have accepted the recommendation from Duplin county, with an amendment to strike out the name of "John Miller, Lieutenant Colonel," and that they have rejected the recommendation for the county of Hertford, signed by James Copeland.

The bill concerning the estates of persons *non compos mentis*, was read the third time and passed, and ordered to be engrossed.

**Mr. Graves** from the Committee on the Militia Laws, to whom was referred a bill to amend the militia laws of this State, reported the said bill without amendment; and the same being read the second time, **Mr. Seawell** moved an amendment, to strike out the words "company masters of the militia of this State be, and the same are hereby abolished," and insert "no company muster shall be held between the first day of April and the fifteenth day of August in each and every year; which was not agreed to.

The question then recurred on the passage of the bill, which was determined in the negative.

**Mr. Alexander** presented the resignation of Joshua Camp, a Justice of the Peace of the county of Rutherford, which was read, accepted and sent to the House of Commons.

**Mr. Hatch of Wayne**, from the committee appointed to conduct the balloting for Councillors of State, for the ensuing year, reported that William Davidson, Edmund Jones, Thomas Wynns, Gideon Alston, Theophilus Lacey, William Blackledge and David Gillaspie, were duly elected; which report was concurred in.

The Senate entered upon the orders of the day, and the bill respecting the marriage of Infants, who belong to any seminary of learning within this State, was read the second time and amended on motion of Mr. Seawell, by striking out of the second section from the word "if," in the first line, to the word "any," in the ninth line, and to add after the word "state," in the third line of the third section, the following words: "shall not be effectual to transfer to the husband any interest in the estate of the wife."

The question then recurred on the passage of the said bill the second time, as amended; which was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. Wellborn, and were as follows:

For the passage of the bill, are

YEAS—Messrs. Alexander, Baker, Brittain, Bryan, Bethune, Burges, Boddie, Caldeleugh, Cameron, Cox, Devane, Frink, Ferebee, Flowers, Forney, Gibbs, Gray, Gavin, Graves, Harrell, Hatch, of Jones, Hill, of Franklin, Hatch, of Wayne, Jackson, Legrand, M'Leod, Murphy, Martin, Perkins, Pearsall, Peebles, Pool, Shipman, Sneed, Speight, Seawell, Torrence, Williams, Wilson, Wall, Whitfield—41.

Against the passage of the bill are,

NAYS—Messrs. Albritton, Bullock, Bowers, Beasley, Callaway, Hill, of Stokes, Hawkins, Love, Marshall, M'Dowell, Marsh, M'Leary, Outlaw, Phifer, Parker, Ridick, Scales, Vanhook, Wellborn—19.

The Senate continued on the orders of the day, and the following bills were severally read, to-wit: A bill concerning the Roanoke Navigation Company; a bill authorising the making and improving a road from Ashville to Rutherfordton, and a bill concerning the Clubfoot and Harlow's Creek Canal Company; which bills were severally passed the second time, and the last mentioned bill was amended on motion of Mr. Cameron, by adding the second section, to-wit:

*"And be it further enacted, That the President and Directors of the said Company, shall have a further term of five years to complete the works of said Company."*

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favor of Joseph and Ann Wynn, in which they ask the concurrence of that House.

Mr. Murphey moved to reconsider a bill which was passed by the Senate, yesterday, the third time, entitled a bill to amend an act passed in 1806, entitled an act for the more convenient and uniform administration of justice within this State; and

Mr. Callaway moved an adjournment, which last motion prevailed; and

The Senate adjourned until to-morrow morning, 10 o'clock.

Friday, December 19, 1823.

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to repeal an act passed in the year 1822,

entitled an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as the same relates to the county of Moore, in which they ask the concurrence of that House.

Mr. Harrell presented the following resolution :

*Resolved*, that the committee on the military laws be instructed to enquire into the expediency of so amending the militia laws of this state, as to prohibit free persons of colour from performing military duty, and that they report by bill or otherwise.

Which was agreed to.

Mr. Shipman presented a bill to authorise the administrators of Wm Streety, late sheriff of Bladen county, to collect the arrears of taxes due said sheriff.

Mr. Pool presented a bill to legitimate Benjamin Franklin Jackson, son of Pemia West, dec'd. and Benjamin M. Jackson, of the county of Pasquotank.

And Mr. Hill, of Franklin, presented a bill for the relief of female debtors ; which bills were severally read the first time and passed.

Mr. Cameron, from the joint committee on Internal Improvements, reported a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson, which was read the first time and passed.

On motion of Mr. Love, the Senate proceeded to the consideration of the bill for the relief of such persons as became purchasers of the Cherokee Lands, sold under the authority of this State, which was read the second and third time, amended, passed, and ordered to be engrossed.

The bill to regulate the practice in the Superior Courts of Law of this State, was read the third time and passed, and amended on motion of Mr. Bryan, by adding the following provision :

*Provided always*, that any person or persons, convicted by a verdict of a Jury, of the crimes of perjury, forgery, counterfeiting, or passing counterfeit money or bank notes, horse stealing, or of an assault with an intent to commit a rape, shall not have the benefit of the provisions of this act.

Thereupon the same was ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to authorise the payment of money to Clerks of Courts of Record in certain cases, and a bill to amend an act, entitled an act regulating descents, passed in the year 1808, in which they ask the concurrence of the Senate.

Thereupon the said bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution in favour of Joseph Wynn and Ann Wynn, with the following amendments : to strike out from the word "Resolved" in the first line, to the word "that" in the third line—and to strike out the words "the petitioners" in the fifth line, and insert the words "Joseph Wynn and Anne Wynn," and

asking the concurrence of the Senate in the amendments—which were agreed to; and the House of Commons was informed thereof by message.

The bill concerning the Roanoke Navigation Company, was read, amended on motion of Mr. Seawell, by striking out the words “by the Public Treasurer,” and to insert “out of the fund set apart for Internal Improvement.”

On the adoption of this amendment, the Yeas and Nays were demanded by Mr. Hill, of Franklin, which were as follows.

For the amendment, are

YEAS—Messrs. Albritton, Bullock, Bowers, Devane, Ferebee, Flowers, Gibbs, Gavin, Harrell, Hill, of Franklin, Hill of Stokes, Hawkins, Hatch of Wayne, Jackson, Marshall, M'Dowell, Marsh, Murphy, Outlaw, Perkins, Pearsall, Parker, Pool, Ridick, Sneed, Speight, Seawell, Torrence, Williams, Wall, Ward—31.

Against the amendment, are

NAYS—Messrs. Alexander, Baker, Brittain, Bryan, Bethune, Burges, Beasley, Calaway, Cameron, Cox, Frink, Forney, Gray, Graves, Hatch of Jones, Love, Legrand, M'Leary, Martin, Phifer, Peebles, Shipman, Sumner, Scales, Vanhook, Wilson, Wellborn—27.

Thereupon Mr. Hatch, of Jones, moved that the said bill lie on the table—Which was agreed to.

Mr. Baker presented the following resolution :

*Resolved*, that the Committee of Finance be instructed to enquire into the expediency of reducing the tax imposed by the revenue laws of this State on merchants of small capital, and that they have leave to report by bill or otherwise.

Which was agreed to.

Mr. Gavin presented the following resolution :

*Resolved*, that the Secretary of State be and he is hereby directed to issue to the heirs of Harmon Stricklen, a grant for 64 acres of land on a warrant issued by the entry-taker of Sampson county, No. 215, on the 5th November, 1804, and agreeably to the plats of survey accompanying the same; Provided it be made appear to the satisfaction of the Secretary of State, that the purchase money has been paid.

Which was read and adopted, and ordered to be engrossed.

Mr. Graves, from the committee on the militia laws, reported a bill to amend the militia laws of this state, relative to the cavalry, which was read the first time and passed.

The bill respecting the marriage of infants who belong to any seminary of learning in this state—the bill authorising the making and improving a road from Asheville to Rutherfordton—and the bill concerning the Clubfoot and Harlow's Creek Canal Company, were severally read the third time and passed, and ordered to be engrossed.

Mr. M'Dowell presented a bill to amend an act entitled an act, to appoint commissioners to extend the Fayetteville road from Morganton to the line of Tennessee, passed in the year 1818—Mr. Gavin presented a bill to amend the several acts of Assembly respecting weights and measures—and Mr. Bryan presented a bill, declaring the punishment of persons of colour in certain cases, which were severally read the first time and passed.

The bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee Nation, was read the second time and passed.

The bill concerning usury was read the second time, and on motion of Mr. Peebles, the further consideration thereof was postponed until Monday next.

Received from the House of Commons, a message, stating that they accede to the amendment made by the Senate in the recommendation from Duplin county.

The engrossed bill to facilitate the navigation of Neuse river, was read the second time and passed.

The bill concerning the Cape-Fear Navigation Company, was read the second time and passed.

Received from the House of Commons, the resignations of James H. Morrison, Justice of the Peace of Mecklenburg county; John N. Phifer, Lieutenant Col. of Cavalry in the 11th brigade of Militia; and Elisha Spence as Major of the 2d Regiment of Cumberland county, which were endorsed in that House, read and accepted, and the same were severally read and accepted by the Senate.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to repeal an act passed in the year 1812, entitled an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as relates to the county of Moore, with an amendment, to add the word "Montgomery" after the word "Moore," in the provisions of the bill, and to make the title thereof correspondent, and asking the concurrence of the Senate—to which amendment the Senate refused to accede, and the House of Commons was informed thereof by message.

The Senate adjourned to 10 o'clock, to-morrow morning.

*Saturday, December 20, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill for the relief of such persons as became purchasers of the Cherokee Lands, sold under the authority of this State—a bill authorising the making and improving a road from Asheville to Rutherfordton—a bill concerning the Clubfoot and Harlow's Creek Canal Company—a bill concerning the estates of persons non compos mentis—a bill to regulate the practice in the Superior Courts of Law of this State—a bill respecting the marriage of infants who belong to any seminary of learning within this state—and a resolution in favour of the heirs of Harmon Stricklen, in which they ask the concurrence of that House.

Mr. Graves, from the committee on the militia laws, to whom was referred the petition of sundry inhabitants of the county of

Wilkes, praying to be established as a volunteer company, reported the following resolution :

*Resolved*, that the prayer of the petitioners be not allowed.

Which was concurred in.

Mr. Forney, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Nash county, reported a bill for the better regulation of the town of Nashville, which bill was read the first time and passed.

Received from the House of Commons, a report of the committee on Internal Improvements, upon the resolution instructing them to enquire into the expediency of retaining in the employment of the State, the present Engineer, and the propriety of keeping up, and sustaining the Board of Internal Improvements—Which report was ordered to be printed.

Received from the House of Commons, a recommendation of certain persons to be added to the commission of the Peace in Lenoir county, which was read, and amended on motion of Mr. Whitfield, by striking out the name of Joseph Pearce, and inserting the name of Parrot Mewborn. Thereupon the same was accepted by the Senate.

Received from the House of Commons, a message, stating that they have passed a bill to alter the names of William Riley Brewer, Daniel Putnam Brewer, and Hilliard Brewer, children of Benjamin Whitley, of Martin county, and to legitimate them—a bill to incorporate Greensborough Lodge, No. 76, in Guilford county—a bill to establish and incorporate Lumberton Academy, in the county of Robeson—a bill to legitimate Emmery Beazer Williams, and for other purposes—a bill to repeal an act passed in 1822, entitled an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of Washington and New-Hanover—a bill to repeal in part an act passed in the year 1822, entitled an act to regulate the patrol of Richmond county—a bill to incorporate Charity Lodge, in Windsor, Bertie county—a bill to amend the 4th section of an act passed at the last General Assembly, entitled an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county—a bill to alter the mode of electing militia officers in the counties of Gates and Granville—a bill directing the manner in which constables shall be hereafter appointed in the county of Mecklenburg—a resolution in favour of Thomas D. Watts—and a resolution to establish a board to settle the claims of the Onslow militia, in which they ask the concurrence of the Senate.

Thereupon the said bills were severally read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the engrossed bill supplemental to an act passed

this General Assembly, entitled an act incorporating Morganton Academy, with an amendment in the 10th line, after the word "acquire," add "adjoining the town of Morganton"—also stating that they have passed the bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a Company for that purpose, with an amendment to strike out from the word "state" in the 8th line of the third section, to the word "capacity" inclusive in the 10th line—And that they have passed the bill to authorise the erection of the public buildings of Washington county, at Plymouth, with the following amendment:

Provided however, that nothing in this act contained, shall be so construed as to authorise the Justices of the Court of Pleas and Quarter Sessions of said county of Washington, to lay any tax or taxes upon the people of said county, for the purpose of purchasing lots, or for the erection of the public buildings to be erected in the town of Plymouth.

Which amendments to the several bills above mentioned were agreed to by the Senate.

The bill to facilitate the navigation of Neuse river, was read the third time and passed, and ordered to be enrolled.

The bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation, was read the third time and passed, with an amendment to strike out the word "three" and insert "four," in the third line of the 4th section, also to strike out the words "joint ballot of both Houses of the Legislature," and insert "Governor of the State," and a message was sent to the House of Commons asking their concurrence in the amendments.

On the passage of the said bill the third time, the yeas and nays were demanded by Mr. Seawell, and are as follows:

For the passage of the bill are,

YEAS—Messrs. Alexander, Baker, Brittain, Bullock, Bryan, Bethune, Burges, Boddie, Beasley, Callaway, Caldeleigh, Cameron, Cox, Devane, Frink, Ferebee, Forney, Gray, Graves, Harrell, Hatch, of Jones, Hill, of Franklin, Hill, of Stokes, Hatch, of Wayne, Jackson, Love, Legrand, Marshall, M'Dowell, M'Leary, Martin, Outlaw, Phifer, Perkins, Parker, Peebles, Pool, Riddick, Shipman, Snead, Speight, Sumner, Scales, Torrence, Vanhook, Wilson, Whitfield, Ward, Wellborn—49.

Against the passage of the bill are,

NAYS—Messrs. Albritton, Bowers, Flowers, Gibbs, Gavin, Hawkins, Pearsall, Seawell, Williams, Wall—10.

The Senate proceeded to the consideration of the bill concerning the Roanoke Navigation Company. Mr. Outlaw moved to reconsider the vote taken on the amendment made to the said bill to strike out the words "by the Public Treasurer," and to insert "the fund set apart for Internal Improvements;" which motion to reconsider was agreed to.

The question then recurred on the passage of the said bill the third time; which was determined in the affirmative, and the same was ordered to be engrossed.

On the passage of the said bill, the yeas and nays were demanded by Mr. Jackson, and are as follows :

For the passage are,

YEAS—Messrs. Alexander, Baker, Brittain, Bryan, Bethune, Burges, Beasley, Calaway, Caldeleugh, Cameron, Cox, Frink, Forney, Graves, Hatch, of Jones, Hill, of Stokes, Hawkins, Love, Legrand, M'Dowell, M'Leary, Martin, Outlaw, Phifer, Peebles, Sneed, Sumner, Scales, Vanhook, Wilson, Wall, Wellborn—32.

Against the passage of the bill are,

NAYS—Messrs. Albritton, Bullock, Bowers, Boddie, Devane, Ferebee, Flowers, Gibbs, Gray, Gavin, Harrell, Hill, of Franklin, Hatch, of Wayne, Jackson, Marshall, Marsh, Perkins, Pearsall, Parker, Pool, Riddick, Speight, Scawell, Torrence, Williams, Whitfield, Ward—27.

A message was received from the House of Commons, stating that they agree to the amendment made by the Senate in the recommendation of Justices for Lenoir county.

Mr. Love presented a bill to authorise John Patton, of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the public lands; which was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed the bill to amend an act, passed in the year 1813, entitled “an act to exempt vessels under sixty tons burden, entering the Cape-Fear river, from paying pilotage,” with the following amendments, viz. in the fifth line, to strike out the word “forty,” and insert “fifty”—to strike out the whole of the proviso, and insert the following section :

*“And be it further enacted, That no vessel coming in at either Inlet of the Cape-Fear river, with a view to the more convenient prosecution of her voyage, or to make a harbor, shall be subject to the payment of pilotage.”*

And the said amendments were agreed to by the Senate.

Received from the House of Commons, a message, stating that they insist on their amendments proposed in the bill to repeal an act, passed in 1822, entitled “an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery,” so far as relates to the county of Moore; and a message was sent to the House of Commons, in answer thereto, stating that the Senate insist on their disagreement to the amendments proposed to the said bill by the House of Commons, and asking a conference thereon; and for this purpose, Mr. Legrand, and Mr. Hill, of Stokes, are appointed on the part of the Senate.

Received from the House of Commons, the resignations of A. M'Millan, Colonel-Commandant, James Maxwell, Lieutenant-Colonel, and Thomas Brown, Major of the militia of Ashe county; Duncan M'Phatter, Major of the 2d regiment of militia of Robeson county; and James B. Long, Major of Cavalry attached to the 14th brigade of the militia of this State; also Charles Steed, of Randolph county; Henry Tatum, of Guilford county; William Edwards, of Ashe county; Lemuel Hardy, of Greene county; and George Smith, of Da-

vidson county, Justices of the Peace ; which were endorsed in that House, read and accepted—and the same were severally read and accepted by the Senate.

The Senate adjourned to 10 o'clock, Monday morning.

*Monday, December 22, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill concerning the Roanoke Navigation Company ; in which they ask the concurrence of that House.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Beaufort county, reported a bill to regulate seine fisheries on Blount's Creek, in Beaufort county ; which was read the first time and passed.

Mr. Hill, of Franklin, from the select committee to whom was referred the engrossed bill to amend the laws making provision for widows, reported the said bill with sundry amendments ; which were agreed to ; and the said bill was read the third time and passed, and a message was sent to the House of Commons, asking their concurrence in the amendments.

Mr. Cameron, from the Committee on Internal Improvements, reported the following resolution :

*Resolved*, That the President of the Board for Internal Improvements be, and he is hereby instructed to transmit to each Senator and Representative in Congress from this State, a certified copy of an act of the last General Assembly, entitled "an act for improving the navigation of Cape-Fear river, below Wilmington," accompanied by a memorial, praying the Congress of the United States will pass an act authorising the General Assembly of this State to lay and collect tolls not exceeding in amount the sum of twenty-thousand dollars, for the reimbursement of the expenditure authorised for the purposes mentioned in the act aforesaid.

Which was read and adopted, and ordered to be engrossed.

Mr. Wellborn, from the Committee of Finance, reported a bill to amend an act, passed at the last session of the General Assembly, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government ; which bill was read the first time and passed.

Received from the House of Commons, a message, stating that they have passed a bill concerning the duty of Ferrymen across Albemarle sound and its waters ; and a bill concerning the University of North-Carolina—in which they ask the concurrence of the Senate. Thereupon, the said bills were severally read the first time, and passed ; also

Received a message, stating that the House of Commons have rejected the engrossed bill concerning the estates of persons non compos mentis.

The Senate proceeded to the consideration of the resolution reported from the committee of Claims, in favor of a detachment of

the militia of Carteret County, ordered out under the command of John H. Hill; and the same being read, was amended, on motion of Mr. Hatch, of Jones, by adding the following after the word "Hill," in the 7th line, to-wit: "and to audit and settle the claims of the officers and men composing a detachment of the militia of Jones county, ordered out under the command of Colonel Foscue." The question then recurred on the passage of the said resolution the second time as amended; and the same was determined in the affirmative.

Mr. Phifer presented a bill to amend an act, passed the last session of the General Assembly, entitled "an act for the better regulation of the County Courts of Cabarrus, Moore and Montgomery," so far as relate to the county of Cabarrus; and

Mr. Cox presented a bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Washington.

Which bills were severally read the first time and passed.

The Senate entered upon the orders of the day, and the bill to amend the several acts of Assembly, respecting weights and measures, was read. Mr. M'Leod moved to add the words "and millers," after the word "profession," in the fifth line of the first section; which was agreed to; and the said bill, as amended, was passed the second time.

The Senate continued on the orders of the day, and the following bills were severally read the second and third times, and passed and ordered to be engrossed, to-wit:

A bill to amend the militia laws of this State relative to the Cavalry; a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson; a bill to amend an act, entitled "an act to appoint Commissioners to extend the Fayetteville road from Morganton to the line of Tennessee," passed in the year 1818; a bill to authorise John Patton of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the Public Lands; a bill declaring the punishment of persons of colour, in certain cases; and, a bill for the relief of Female Debtors.

The engrossed bill to repeal in part an act passed in the year 1822, entitled "an act to regulate the patrol of Richmond county," was read the second and third time and passed, with an amendment, adopted on motion of Mr. Wall, to strike out the whole of the said bill except the words "a bill," and to insert the amendment accompanying the same, and a message was sent to the House of Commons asking their concurrence.

The bill for the better regulation of the town of Nashville, was read the second time and amended on motion of Mr. Boddie, by adding the second section:

*And be it further enacted, That upon the death, removal, or refusal to act, of any of the aforesaid Commissioners, those that remain, or a majority of them, shall have*

power to elect new ones, to supply the places of those who remove, die, or refuse to act ; and those when so elected as aforesaid, shall be vested with the same power and authority as those appointed by this act.

The question then recurred on the passage of the said bill the second time as amended, and the same was determined in the affirmative ; thereupon the said bill was read the third time and passed, and ordered to be engrossed.

The engrossed bill to alter the mode of electing militia officers in the counties of Gates and Granville, was read the second and third time and passed, and amended on motion of Mr. Sneed, by excluding from the provisions of the said bill, the county of Granville ; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they have passed a resolution in favour of the heirs of Dancy Penticost, and asking the concurrence of the Senate ; thereupon the said resolution was read and adopted, and ordered to be enrolled.

The bill to amend the several acts of Assembly respecting weights and measures, was read the third time and passed, and ordered to be engrossed.

The following engrossed bills, to-wit : a bill to incorporate Charity Lodge, in Windsor, Bertie county ; a bill to authorise the payment of money to Clerks of Courts of Record, in certain cases ; a bill to incorporate Greensborough Lodge, No. 76, in Guilford county ; a bill directing the manner in which constables shall hereafter be appointed in the county of Mecklenburg ; a bill to repeal an act passed in the year 1822, entitled " an act directing the time and place of selling lands and slaves under execution, so far as respects the counties of New-Hanover and Washington ; a bill to amend the 4th section of an act passed at the last General Assembly, entitled " an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county ; a bill to alter the names of William Riley Brewer, Daniel Putnam Brewer and Hilliard Brewer, children of Benjamin Whitley of Martin County, and to legitimate them ; a bill to legitimate Emmery Beazor Williams, and for other purposes ; a bill to establish and incorporate Lumberton Academy, in the county of Robeson ; and a resolution in favour of Thomas D. Watts ; were severally read the second and third time and passed, and ordered to be enrolled.

The following bills were severally read the second and third time and passed, and ordered to be engrossed, to wit :

A bill to authorise William Streety, late Sheriff of Bladen county, to collect the arrears of taxes due said Sheriff ; a bill to regulate Seine Fisheries on Blount's Creek in Beaufort county ; a bill to amend an act passed the last session of the General Assembly, entitled " an act for the better regulation of the County Courts of Ca-

barrus, Moore and Montgomery," so far as relates to the county of Cabarrus ; a bill to legitimate Benjamin Franklin Jackson, son of Pennia West, deceased, and Benjamin M. Jackson, of the county of Pasquotank ; and a bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Washington.

The bill concerning usury, was read the second time, and amended on motion of Mr. Seawell, by striking out the whole of the bill from the word " same" in the third line of the first section, and to insert the following, "that so much of the act of Assembly passed in the year 1741, as enables any person to bring an action to recover double the amount lent or forborne, upon excessive usury, be, and the same is hereby repealed ;" the question then recurred on the passage of the said bill the second time, which was determined in the affirmative.

On the passage of the said bill the yeas and nays were demanded by Mr. Wellborn, and are as follows :

For the passage are,

YEAS—Messrs. Alexander, Baker, Bullock, Bryan, Bethune, Burges, Boddie, Caldcleugh, Cameron, Cox, Frink, Flowers, Forney, Gibbs, Gray, Gavin, Hatch of Jones, Hill, of Franklin, Hawkins, Hatch of Wayne, Jackson, Legrand, Marsh, M'Leod, M'Leary, Murphy, Martin, Phifer, Perkins, Pearsall, Peebles, Shipman, Sneed, Sumner, Seawell, Torrence, Vanhook, Williams, Whitfield, Ward, Wall—41.

Against the passage of the bill, are

NAYS—Messrs. Albritton, Brittain, Bowers, Beasley, Devane, Ferebee, Graves, Harrell, Hill of Stokes, Love, Marshall, M'Dowell, Outlaw, Parker, Riddick, Speight, Scales, Wilson, Wellborn—19.

Mr. Forney presented the resignation of John B. Harry, Major of the second regiment of Lincoln militia ; which was read and accepted and sent to the House of Commons.

The Senate adjourned to 10 o'clock to morrow morning.

*Tuesday, December 23, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend an act, entitled "an act to appoint Commissioners to extend the Fayetteville road from Morganston to the line of Tennessee," passed in the year 1818 ; a bill to amend the several acts of Assembly respecting weights and measures ; a bill to authorise John Patton of Bancombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the Public Lands : a bill to legitimate Benjamin Franklin Jackson, son of Pennia West, deceased, and Benjamin M. Jackson of the county of Pasquotank ; a bill declaring the punishment of persons of colour, in certain cases ; a bill for the relief of Female debtors ; a bill to authorise the administrator of William Streety, late Sheriff of Bladen county, to collect the arrears of taxes due said Sheriff ; a bill to alter the times of holding the Courts of Pleas and Quarter Sessions.

for the county of Washington ; a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson ; a bill to amend the militia laws of this State, relative to the Cavalry ; a bill to regulate Seine Fisheries on Blount's Creek in Beaufort county ; a bill for the better regulation of the town of Nashville ; a bill to amend an act sassed at the last session of the General Assembly, entitled " an act for the better regulation of the County Courts of Cabarrus, Moore and Montgomery," so far as relates to the county of Cabarrus ; and a resolution instructing the President of the Board of Internal Improvements, &c. in which they ask the concurrence of that House.

Mr. Hatch of Wayne, presented the following resolution :

*Resolved*, That the Military Committee be instructed to enquire into the expediency of paying the officers and witnesses of a Court Martial, ordered by the Brigadier-General of the third brigade in the year 1822, to try the Colonel Commandant of the Du-  
plin regiment of militia, for charges preferred against said Colonel ; and that they report by bill or otherwise.

Which was agreed to.

Mr. Seawell moved that the Committee of Propositions and Grievances be discharged from the consideration of the petition to them referred, in favor of Samuel Carpenter ; which was agreed to ; and the said petition being read, Mr. Seawell, for the purpose of carrying into effect the prayer of the petitioner, presented the following resolution :

*Resolved*, That the Secretary of State issue a military land warrant to the heirs of Samuel Carpenter, a first lieutenant in the third regiment of the North-Carolina line in the revolutionary war.

Which was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, proposing to ballot on this morning for four Trustees of the University of North-Carolina, to supply the vacancies in the said board ; which proposition, to ballot on *this morning*, was not agreed to ; but a message was sent to the House of Commons, proposing that the said balloting take place on *to-morrow morning* ; and stating that the names of John H. Bryan, James Martin and Daniel M. Forney are nominated as Trustees.

Received from the House of Commons, a message, stating that they have passed a bill supplemental to an act, passed this General Assembly, incorporating Morganton Academy ; a bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a Committee of Finance ; a bill to appoint Commissioners for the better regulation of Elizabeth Town, in Bladen county ; a bill to establish the mode of elections in future in the county of Wayne ; a bill to prevent any person or persons from falling timber into the Tennessee river, and the Sugar Fork thereof, within the county of Haywood ; a bill for the relief of Annis Blackman, of Sampson county ; a bill to amend an act, passed in 1817, entitled " an act for the better protection of the health of the inhabitants of

the town of Smithville and its vicinity, in Brunswick county ;" a bill to repeal an act, passed in 1718, entitled " an act to repeal the first section of the 26th chapter of the acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston," so far as relates to the counties of Robeson and Richmond ; a bill to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire ; and a bill to legitimate James Smith, Milly Smith, Unice Smith, and for other purposes ; which bills were severally read the first time and passed, except the bill above mentioned, entitled " a bill to establish the mode of elections in future in the county of Wayne ; which, on motion of Mr. Bryan, was indefinitely postponed.

Received from the House of Commons, a message, stating they agree to the amendments made by the Senate in the bill respecting reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation ; and also, that they agree to the amendments made by the Senate in the bill to alter the mode of electing militia officers in the counties of Granville and Gates ; and to the amendments in the bill to repeal in part an act, passed in the year 1822, entitled "an act to regulate the patrol of Richmond county.

Received from the House of Commons, a message, agreeing to the proposition of the Senate for a conference upon the disagreeing votes of the two Houses, on the bill to repeal an act, passed in 1822, entitled " an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as relates to the county of Moore ; and appointing Mr. Dargan and Mr. Seawell on the part of that House.

Mr. Wall moved that the Committee of Claims be discharged from the consideration of the petition of Hugh M'Arn, of Richmond county, which was referred to them on the 13th instant ; and the same was agreed to ; and the said petition being read, Mr. Wall (for the purpose of carrying into effect the prayer of the petitioner) presented the following resolution :

*Resolved*, That the Public Treasurer pay to Hugh M'Arn twelve dollars and fifty cents, the amount of the purchase money for a tract of land granted by the State, where the said lands had been previously granted to John Fontaine."

And the resolution being read, it was resolved by the Senate, that the same shall not pass.

Mr. Wellborn, from the Committee of Finance, to whom was referred the resolution of the Senate, instructing them to enquire into the expediency of reducing the tax imposed by the revenue laws of this State on merchants of small capital, reported that it would not be expedient to reduce the said tax ; which was concurred in.

Received from the House of Commons, a message, stating that they have rejected the engrossed bill to regulate the practice in the Superior Courts of Law in this State ; and that they have indefinite-

ly postponed the engrossed bill respecting the marriage of infants who belong to any seminary of learning within this State.

Mr. Graves presented the following resolution :

*Resolved*, That the select Committee on Agriculture be instructed to enquire into the expediency of so amending the several acts of the General Assembly for the promotion of agriculture and domestic manufactures in this State, that the several Clerks mentioned in said acts shall hereafter be compelled, under proper penalties, to make their returns, as required by said acts ; and that they report by bill or otherwise.

Which resolution was agreed to.

Mr. Jackson presented a bill to legitimate Nancy Johnson, and others, of Moore county.

Mr. Graves presented a bill to amend the first section of an act, passed in 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough.

Mr. Alexander presented a bill to establish a poor-house in the county of Rutherford.

Mr. Williams presented a bill to amend the inspection laws of this State, and for other purposes.

Which were severally read the first time and passed ; and the last mentioned bill was,

On motion of Mr. Williams, referred to a select committee ; which committee consists of Messrs. Williams, Albritton, Bowers, Baker and Bryan.

The engrossed resolution to establish a board to settle the claims of the Onslow militia, was read the second time and passed.

The resolution relative to the claims of a detachment of the militia of Carteret and Jones county, ordered out under the command of Colonels Hill and Foscue, was read. Mr. Baker moved to amend the said resolution by adding, after the word "Foscue," the following, to-wit: "and to audit and settle the claims of the officers and men composing a detachment of the militia of Bladen county, ordered out under the command of Colonel Samuel B. Andres ;" which was not agreed to.

The question then recurred on the passage of the said resolution the second time ; and the same was determined in the negative.

On this question the yeas and nays were demanded by Mr. Seawell, and are as follows :

For the passage of the resolution are,

YEAS—Messrs. Alexander, Baker, Bullock, Bryan, Boddie, Beasley, Cox, Devane, Ferebee, Forney, Graves, Harrell, Hatch, of Jones, Hawkins, Hatch, of Wayne, Legrand, Martin, Pool, Shipman, Sneed, Speight, Sumner, Williams, Wilson, Whitfield, Ward, Wellborn—27.

Against the said resolution are,

NAYS—Messrs. Albritton, Brittain, Bethune, Burges, Bowers, Caldecleugh, Frink, Flowers, Gibbs, Gray, Gavin, Hill, of Franklin, Hill, of Stokes, Jackson, Marshall, McDowell, Marsh, McLeod, McLeary, Murphy, Phifer, Perkins, Parker, Riddick, Seawell, Scales, Torrence, Vanhook, Wall—29.

The bill to establish a poor-house in the county of Rutherford ; and the bill to legitimate Nancy Johnson and others, of Moore county, were severally read the second and third time and passed, and ordered to be engrossed ; and the last mentioned bill was amended, on motion of Mr. Sneed, by striking out the second section, to-wit :

*“And be it further enacted, That this act shall be in force from and after the ratification thereof.”*

The bill to amend the first section of an act, passed in the year 1818, entitled “ an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough, was read the second and third time and passed, and ordered to engrossed.

The engrossed bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a committee of Finance—and the bill to appoint commissioners for the better regulation of Elizabethtown, in Bladen county, were severally read the third time and passed ; the first mentioned bill was amended on motion of Mr. M'Leod, by extending the provisions of the said bill to the county of Johnston ; and the last mentioned bill was amended on motion of Mr. Shipman, by adding the name of Robert Plummer as a commissioner ; and a message was sent to the House of Commons asking their concurrence in the amendments.

The following engrossed bills, to-wit, a bill for the relief of Annis Blackman, of Sampson county—a bill to legitimate James Smith, Milly Smith and Unice Smith, and for other purposes—a bill to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire—a bill concerning the University of North-Carolina—a bill concerning the duty of ferrymen across Albemarle Sound and its waters—a bill supplemental to an act passed this General Assembly, incorporating Morganton Academy—and a bill to prevent any person or persons from falling timber into the Tennessee river, and Sugar-town Fork therof, within the county of Haywood, were severally read the second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, the engrossed resolution in favour of William Drew, which was read the first time and passed ; thereupon the same was read the second time, and it was resolved by the Senate that the same shall not pass.

Received from the House of Commons, the engrossed bill to amend an act passed in the year 1822, entitled “ an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river in Hyde county, to the town of Plymouth in Washington county ;” also a resolution making compensation to the Superintendent of Public Buildings ; and a resolution in favour of John Taylor, sen. The above mentioned bill was read the first time and

passed, and the two resolutions last mentioned, were read and adopted, and ordered to be enrolled.

The Senate adjourned to 10 o'clock, to-morrow morning.

*Wednesday, December 24, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend the first section of an act passed in 1818, entitled, "an act directing a road to be laid out and opened from the town of Leaksville in Rockingham county, by Rockford in Surry county, to the town of Wilkesborough;" a bill to legitimate Nancy Johnson and others, of Moore county; a bill to establish a Poor-House in the county of Rutherford, and a resolution in favour of the heirs of Samuel Carpenter; in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that Mr. Pugh and Mr. Lamon wait on the Senate as a Committee on the part of that House to superintend the balloting for four trustees of the University of North Carolina, and stating that the names of William Hooper and Charles A. Hill, are added to the nomination; thereupon Mr. Wall and Mr. Pearsall were appointed superintendents of the balloting on the part of the Senate.

Received from the House of Commons, the Report of the Public Treasurer, containing a statement of the number of shares which this State owns in the respective navigation companies and turnpike roads, and the sums which have been paid on account of such shares, accompanied with a proposition from that House, that the same be printed; which proposition was agreed to by the Senate.

Mr. Love presented the petitions of Felix Walker and Francis Henry, praying that money may be refunded to them, which they have paid into the Treasury, for certain lands in Buncombe county—referred to the Committee of Propositions and Grievances.

Received from the House of Commons, a message, stating that they have postponed indefinitely, the bill to authorise the administrators of William Streety, late Sheriff of Bladen county, to collect arrears of taxes due said Sheriff, and stating that they have passed a bill to amend an act passed in 1817, entitled "an act directing a road to be laid out, and opened from the town of Fayetteville to Morganton;" a bill to alter the time of holding certain terms of the Courts therein mentioned; a bill to amend the laws respecting wrecks and wreck property; a bill to divorce Daniel Noomcasier of Davidson county, from his wife Catharine; a bill to legitimate and alter the names of Emereldy Thomas, Elias Thomas and Ellis Thomas, children of Elias Taft of Pitt county; a bill to repeal an act passed in 1822, entitled "an act directing the manner of appointing patrollers in the county of Davidson;" a bill to appoint Com-

missioners for the town of Swansborough in Onslow county; a bill to incorporate Friendship Academy in Duplin county; a bill to amend an act passed in the year 1813, entitled "an act to alter and regulate the annual elections in Hyde county;" a bill prescribing the manner in which the Sheriff of Buncombe county, shall pay over the tax laid for building a Court-House, in said county; and a bill to authorise William Neal and Isaac Word of Rowan county, to erect gates on their own lands on the road leading through their plantations in said county, and asking the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

Mr. Wellborn moved to suspend the 12th rule of the Senate, which requires that a motion made to reconsider a question, shall be made on the same or succeeding day, for the purpose of reconsidering the Report of the Committee of Finance, on the subject of reducing the tax on Pedlars; which was not agreed to.

Mr. Gray presented a bill to legalize and render valid certain grants therein mentioned; and Mr. Williams presented a bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard; which were severally read the first time and passed.

The engrossed bills, to-wit: A bill to repeal an act passed in the year 1818, entitled "an act to repeal the first section of the 26th chapter of the Acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston," so far as relates to the counties of Robeson and Richmond; and the bill to amend an act passed in the year 1817, entitled "an act for the better protection of the health of the inhabitants of the town of Smithville, and its vicinity, in Brunswick county;" were severally read the second and third time and passed, and ordered to be enrolled.

The bill to amend an act passed at the last session of the General Assembly, entitled "an act to provide a revenue for the payment of the civil list, and contingent charges of government," was read the second and third time and passed.

The engrossed bill to amend an act, entitled "an act regulating descents passed in the year 1808," was read the second time: Mr. Gray moved to strike out "twelve" and insert "ten," in the 10th line of the first section, and Mr. Seawell moved an amendment, to strike out the first section from the word "same" in the 4th line, and to insert "that in case any lands or tenements shall descend to any person or persons who at the time of such descent are the only heirs, and such heirs or either of them shall sell or dispose of, for a valuable consideration, such estate or any part thereof, the said conveyance shall be held and deemed effectual in law, against the claim of any after born heir, except such heir as shall be born within ten months after the happening of the first descent;" which was not agreed to. The question then recurred on the amendment pro-

posed by Mr. Gray, which was agreed to, and thereupon the said bill passed the second time; and

On motion of Mr. Hatch of Jones, the further consideration thereof was postponed until to-morrow.

Mr. Martin moved to reconsider the engrossed resolution in favour of William Drew, rejected by the Senate on yesterday, which motion to reconsider was agreed to, and the same being reconsidered, and amended, on motion of Mr. Martin, to strike out the words, "he failed to attend owing to the indisposition of himself and the Judge," and to insert "he attended and for the attendance of which he obtained no certificates from the Clerk, because the Judge who was to hold the Court, was prevented from doing so by sickness;" thereupon the same was read the second and third time and passed, and a message was sent to the House of Commons asking their concurrence in the amendment.

On motion of Mr. Love, a message was sent to the House of Commons, proposing to ballot immediately for a Colonel of Cavalry attached to the 15th brigade of the militia, and nominating for the appointment Wm. M'Gimpsey.

The engrossed bill to amend an act, passed in the year 1822, entitled "an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river in Hyde county, to the town of Plymouth in Washington county," was read the second time and amended on motion of Mr. Cox, by adding the following proviso :

*Provided nevertheless,* That no part of the sum hereby appropriated, shall be paid until the like sum of two thousand five hundred dollars, shall have been subscribed and paid by individuals, or secured to be paid by individual subscribers for the stock of said Company, to the satisfaction of the Treasurer.

Thereupon the said bill passed the second and third time, and a message was sent to the House of Commons asking their concurrence in the amendment.

Mr. Cox, the Senator from the county of Washington, obtained leave of absence from the services of this House, from and after this day, until the end of the session.

The bill concerning usury was read the third time; Mr. Hill of Franklin moved that the said bill be indefinitely postponed, which was not agreed to.

On this question the yeas and nays were demanded by Mr. Hill of Franklin, and are as follows:

For the indefinite postponement are,

YEAS.—Messrs. Albritton, Brittain, Bowers, Beasley, Callaway, Devane, Ferebee, Flowers, Graves, Harrell, Hill, of Franklin, Hill, of Stokes, Love, Marshall, M'Dowell, M'Leary, Outlaw, Phifer, Perkins, Parker, Pool, Riddick, Sneed, Speight, Scales, Williams, Wilson, and Wellborn—28.

**Against the indefinite postponement are,**

**NAYS**—Messrs. Alexander, Baker, Bullock, Bryan, Bethune, Burges, Boddie, Cameron, Cox, Frink, Forney, Gibbs, Gray, Gavin, Hatch, of Jones, Hawkins, Hatch, of Wayne, Jackson, Legrand, Marsh, M'Leod, Murphey, Martin, Pearsall, Peebles, Shipman, Sumner, Seawell, Torrence, Vanhook, Whitfield, Ward, Wall—33.

Mr. Hill, of Franklin, moved to amend the sail bill, by adding the following section :

*“Be it further enacted, That if, in any action brought, the defendant shall file an affidavit that the contract upon which the action is brought is usurious, and the Plaintiff shall not deny the facts to that point, by counter affidavit, then, and in that case, there shall be judgment rendered by the Court in favor of the Defendant.*

Which amendment was not agreed to.

Mr. Martin then moved the following amendment :

*“And be it further enacted, In all suits hereafter brought, upon any contract, the Defendant shall be authorised to file his affidavit at the time of pleading in the cause ; and in case it shall be stated in the said affidavit, that more than six per cent has been taken or reserved for the forbearance of the payment of one hundred dollars, for one year, and in the same proportion for a longer or a shorter time, the said affidavit shall be taken as prima facia evidence of the fact so stated, unless the Plaintiff in said suit shall file a counter affidavit, denying the truth of the said statement ; and wherever it shall appear that any person has exacted a greater rate of interest than above mentioned, he shall not recover in any Court of justice more than the original sum loaned, and the costs of suit : Provided, this act shall not extend to suits instituted for and on behalf of the estate of any deceased person.”*

Which amendment was not agreed to.

The question then recurred on the passage of the said bill the third time ; and the question thereon was determined in the negative.

The resolution to establish a board to settle the claims of the Onslow Militia, was read the third time ; and it was resolved by the Senate, that the same shall not pass.

On this question the yeas and nays were demanded by Mr. Seawell, and are as follows :

**For the passage of the resolution are,**

**YEAS**—Messrs. Alexander, Bullock, Baker, Bryan, Beasley, Cameron, Cox, Devane, Forney, Graves, Hatch, of Jones, Hatch, of Wayne, Love, Murphy, Martin, Pearsall-Pool, Shipman, Sneed, Speight, Williams, Wilson, Whitfield, Ward, Wellborn—25.

**Against the passage of the resolution are,**

**NAYS**—Messrs. Albritton, Brittain, Burges, Bowers, Boddie, Callaway, Frink, Feabee, Flowers, Gibbs, Gray, Gavin, Hill, of Franklin, Hill, of Stokes, Jackson, Marshall, M'Dowell, Marsh, M'Leod, M'Leary, Phifer, Parker, Peebles, Riddick, Scales, Seawell, Torrence, Vanhook, Wall—29.

The engrossed bills, to-wit : “a bill to amend an act, passed in the year 1813, entitled an act to alter and regulate the annual elections in Hyde county ;” and the bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-House in said county, were severally read the second and third time and passed—the first mentioned bill with an amendment, on motion of Mr. Gibbs, by adding the following :

*“And be it further enacted, That an election for members of Assembly and members of Congress shall be held at the house of Parroh Farrow, at Kenekut; and at the house of Charles Foster, at or near the Cape in Hyde county, on the Friday preceding the day by law appointed for such elections in the other parts of Hyde county; and the election of President and Vice President of the United States shall be held at the same places, on the day by law appointed; all which elections shall be held under the same laws, rules and regulations as are or may be prescribed, any law or usage to the contrary notwithstanding.”*

And the last mentioned bill was amended, on motion of Mr. Britain, by adding in the seventh line of the first section “by direction of the Commissioners appointed to superintend the building of a Court-House;” and a message was sent to the House of Commons, asking their concurrence in the said amendments.

The bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard, was read the second and third time and passed, and ordered to be engrossed.

The following engrossed bills, to-wit: a bill to incorporate Friendship Academy, in Duplin county; a bill to appoint Commissioners for the town of Swansborough, in Onslow county; a bill to repeal an act, passed in the year 1822, entitled “an act directing the manner of appointing patrollers in the county of Davidson; a bill to divorce Daniel Noomcaser, of Davidson county, from his wife Catharine; a bill to legitimate and alter the names of Emeraldy Thomas, Elias Thomas and Ellis Thomas, children of Elias Taft, of Pitt county; a bill to amend an act, passed in 1817, entitled “an act directing a road to be laid out and opened from the town of Fayetteville to Morganton;” a bill to alter the time of holding certain terms of the Courts therein mentioned; and a bill to authorise Wm. Neal and Isaac Word, of Rowan county, to erect gates on their own lands, on the road leading through their plantations, in said county, were severally read the second and third time and passed, and ordered to be enrolled.

Mr. Pearsall, from the committee appointed to conduct the balloting for Trustees of the University of this State, reported that John H. Bryan, Daniel M. Forney and James Martin were duly elected, and that no other person had received a majority of the votes; which report was concurred in.

The resignation of Z. Herndon, Justice of the Peace of Orange county, was received from the House of Commons, endorsed in that House, read and accepted, and the same was read and accepted by the Senate.

The Senate adjourned to 10 o'clock, to-morrow morning.

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*Thursday, December 25, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed an act passed at the last session of the General

Assembly, entitled an act to provide a revenue for the payment of the civil list and contingent charges of government—and a bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard, in which they ask the concurrence of that House.

On motion of Mr. Pearsall, a message was sent to the House of Commons, proposing that a balloting immediately take place for a Trustee of the University of North-Carolina, yet to be elected.

Mr. Hill, of Stokes, from the Committee of Conference on the part of the Senate, on the disagreeing votes of the two Houses, on the amendment proposed by the House of Commons, to insert the county of Montgomery in the bill to repeal an act passed in 1822, entitled an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as respects the county of Moore, reported that they met the Committee of Conference on the part of the House of Commons, and stated the reasons of the two Houses on their disagreement, but were unable to agree.

Received from the House of Commons, a message, stating that they have postponed indefinitely the engrossed bill to compel an executor or executrix to give security in certain cases—also a message stating that they agree to the amendment made by the Senate, to the resolution in favour of William Drew. Thereupon the said resolution was ordered to be enrolled.

Received from the House of Commons, a message, stating that they *do not concur* in the amendment made by the Senate to the bill to authorise the Court of Pleas and Quarter Sessions of Washington county, to appoint a committee of finance; but that they *concur* in the amendment made in the bill to appoint commissioners for the better regulation of Elizabethtown, in Bladen county. Thereupon the last mentioned bill was ordered to be enrolled.

On motion of Mr. Wall, a message was sent to the House of Commons, proposing to ballot immediately for a Major of Cavalry attached to the 14th brigade of militia, and nominating for that appointment, Joseph White.

Mr. Hatch, of Jones, from the committee of Agriculture, to whom was referred the bill to incorporate the Lincoln Agricultural Society, reported the said bill without amendment; thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Hatch, of Jones, from the same committee, to whom was referred the resolution of the Senate, directing an enquiry into the propriety of compelling, under proper penalties, the several clerks in this state to perform the duties required of them under the several acts of the General Assembly, for the promotion of agriculture and domestic manufactures within this state, reported a bill to amend the 9th, 10th and 11th sections of an act, entitled an act to promote agriculture and family domestic manufactures within this state, which was read the first time and passed.

Received from the House of Commons, a message, stating that Mr. L. Cherry and Mr. Melvin attend the Senate as a committee on the part of that House, to conduct the balloting for Lieutenant-Colonel of Cavalry attached to the 15th brigade of the militia, and that the name of Edwin Poor is added to the nomination. Thereupon Mr. Pearsall and Mr. M'Dowell were appointed superintendents of the balloting on the part of the Senate.

Mr. Wellborn presented a bill to authorise certain persons hereafter named, to raise by way of lottery, five hundred and fifty dollars, for building a bridge across the South Yadkin, which was read the first time and passed.

Mr. Speight presented the following resolution :

Whereas, there is a contract now existing between the Board of Internal Improvement, on behalf of the State of North-Carolina, on the one part, and Hamilton Fulton, Esq. Civil Engineer, on the other part : And whereas it is the opinion of this General Assembly, that the sums of money hitherto advanced by the State to the said Hamilton Fulton, as well for salary as contingent expences, are oppressive and unjust :

*Resolved therefore*, that the said Hamilton Fulton be allowed a sum per annum, not exceeding two thousand five hundred dollars, including his contingent expenses.

Which was ordered to lie on the table.

Received from the House of Commons, a message, stating that they have passed the engrossed bill for the relief of such persons as became purchasers of the Cherokee Lands sold under the authority of this State, with the following amendment :

*And be it further enacted*, that any purchaser of any tract of said land, or the heirs of such purchaser, may assign, and transfer his or her right under the certificate of his purchase granted by the Commissioners to such purchaser, by deed for good and valuable consideration, and such deed being proved, or acknowledged and recorded as other deeds of land are by law required to be proved or acknowledged and recorded ; and such deed being filed in the office of the Secretary of State, and certificate from the Treasurer of the State that the purchase money of said land has been paid to the State, it shall be lawful for the Secretary of State to issue a grant for such land to the assignee aforesaid, expressing in such grant that the said grant is made to the said grantee, by virtue of the assignment from the original purchaser.

Which amendment was agreed to by the Senate.

Mr. M'Dowell, from the committee appointed to conduct the balloting for a Lieutenant Colonel of Cavalry attached to the 15th brigade of militia, reported that no person in nomination had received a majority of the votes.

Received from the House of Commons, a message, consenting to ballot immediately for a Major of Cavalry attached to the 14th brigade, and stating that Mr. Lamon and Mr. Williamson, of Person, attend the Senate to receive the ballots. Thereupon Mr. Wall and Mr. Hatch, of Wayne, were appointed superintendents on the part of the Senate.

Received also a message, proposing to ballot immediately for a Lieutenant Colonel of Cavalry, attached to the 10th brigade of militia, and nominating for that appointment, John Zimmerman ; which proposition was agreed to, and Mr. Alexander and Mr. Wil-

son were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to alter the names of, and legitimate Sally Ann Woolard and Emeline Woolard, with an amendment to add the letter s to the name *Cruther*, where it appears in the bill; which amendment was agreed to by the Senate.

Received also a message, stating that the House of Commons agree to the amendment made by the Senate to the bill to amend an act passed in the year 1822, entitled an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo river, in Hyde county, to the town of Plymouth, in Washington county. Thereupon the said bill was ordered to be enrolled.

Received from the House of Commons, a message, stating that Mr. Holland and Mr. Pugh attend the Senate as a committee on the part of that House to conduct the balloting for a Lieutenant Colonel of Cavalry attached to the 10th brigade of militia.

The bill to authorise certain persons hereafter named, to raise by way of Lottery, five hundred and fifty dollars for building a bridge across the South Yadkin, was read the second time. Mr. Gray moved that the said bill be indefinitely postponed; which was not agreed to. The question then recurred on the passage of the said bill, which was determined in the affirmative; and thereupon the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Caldeleugh presented a bill to establish a Superior Court of Law and Equity in the county of Davidson; and Mr. M'Dowell presented a bill to authorise the making and improving the road from Morganton to the Tennessee line, which were severally read the first time and passed.

The engrossed bill to amend the laws respecting wrecks and wrecked property, was read the second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the bill to authorise and direct the sheriff of Davidson county to pay over the taxes collected for the public buildings, to the commissioners of public buildings for said county; a bill to alter the names and legitimate Milbry Stokes and Charlotte Stokes; a bill to alter part of the line dividing the two regiments of militia in Surry county; a bill concerning the sheriff of Cumberland county, and the special justices of the town of Fayetteville; a bill to authorise the county Court of Robeson to appoint a committee of finance; a bill for improving the navigation of Crane's creek, in the county of Cumberland; and a bill to remove obstructions in Pungo creek and for other purposes, which bills were severally read the

first, second, and third time and passed, and ordered to be enrolled.

Received from the House of Commons, the resignations of R. Williams, Col. Commandant of the militia of Franklin county, and Wm Durham, Major of the first regiment of the militia of Stokes county, endorsed in that House "read and accepted," and the same were read and accepted by the Senate.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Friday, December 26, 1823.*

The Senate met agreeably to adjournment.

Mr. Hatch, from the committee appointed to conduct the balloting for a Major of Cavalry attached to the 14th brigade of militia, reported that Joseph White was duly elected; which report was concurred in.

Mr. Wilson, from the committee appointed to conduct the balloting for a Lieutenant Colonel of Cavalry attached to the 10th brigade of militia, reported that John Zimmerman was duly elected; which report was concurred in.

Mr. Wellborn presented the following resolution, to-wit:

Whereas it appears from the sale books, now in the office of the Treasurer, that Wm. Silar, of Haywood county, in the year 1821, purchased two hundred and twenty-seven and an half acres of the public lands commonly called the Cherokee lands, at the price of four dollars per acre, making in amount the sum of nine hundred and ten dollars: And whereas it appears, that by a mistake in the clerk that drafted the three bonds for the three last instalments, that the sum as mentioned in each of said bonds, is two hundred and thirty-seven dollars and fifty cents, instead of the sum of two hundred and twenty-seven dollars and fifty cents each, making a mistake in the three bonds of thirty dollars, as will appear by said sale book, and also by the cash paid down, and the bond given for the first instalment of the purchase money of said land, which said first instalment, when added to the money promptly paid, was equal to one-fourth of the whole sum, and amounts to two hundred and twenty-seven dollars and fifty cents: And whereas it appears by the said mistake, the sum of one hundred and eighteen dollars and seventy-five cents was collected on the note given for the second instalment of said purchase, it being the one-eighth part therof, when only the sum of one hundred and thirteen dollars seventy-five cents was due thereon.

*Be it therefore resolved*, that the Public Treasurer be authorised to correct the mistake made in the amount of each of the bonds given for the three last instalments of the purchase money of said land, by entering a credit on each of said bonds to the amount of such mistake: And be it resolved further, that the Public Treasurer of the State refund to said Wm. Silar, the sum of five dollars, that was in consequence of said mistake of the clerk aforesaid, collected from him.

Which was read the first time and passed.

A message was sent to the House of Commons, stating that the Senate have passed a bill to incorporate the Lincoln Agricultural Society, and the bill to authorise certain persons hereafter named, to raise by way of Lottery five hundred and fifty dollars, for building a bridge across the South Yadkin, in which they ask the concurrence of that House.

Received from the House of Commons, a message, stating that they have passed a bill to exempt certain citizens of the county of

Beaufort, from certain duties; a bill to repeal the 7th section of an act passed in the year 1822, authorising certain counties therein mentioned, to appoint a Committee of Finance, so far as respects the county of Anson; a bill to repeal part of the tenth section of an act of the General Assembly, passed in the year 1784; a bill to repeal an act, entitled "an act to establish a Court of Probate in the county of Cumberland, and for other purposes;" a bill to repeal the 44th section of an act passed in the year 1741, entitled "an act concerning servants and slaves;" a bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; a bill to authorise Daniel Dougherty of Lenoir county, to erect a bridge across Neuse river; a bill to amend an act passed in the year 1821, entitled "an act to amend an act passed in the year 1810, entitled an act to amend an act, passed in the year 1809, entitled an act to amend the several acts heretofore passed, relative to the removal of obstructions to the passage of fish up the several rivers within this State, so far as relates to the Pedee and Yadkin rivers;" a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Rockingham; a bill to establish a poor-house in the county of Chowan;" a bill making compensation to the Jurors of the Superior and County Courts of Hertford and Gates; a bill concerning the Courts of Pleas and Quarter Sessions of Moore and Sampson Counties, and a bill to establish Town Creek Academy in Edgecombe county, and to incorporate the Trustees thereof; also a resolution in favour of the Protestant Episcopal Church in Raleigh, and asking the concurrence of the Senate; thereupon the said bills were severally read the first time and passed: and the resolution was adopted and ordered to be enrolled.

Mr. Cameron, from the Committee on Internal Improvements, to whom was referred a bill to appoint Commissioners to superintend the building of two bridges on the great stage road in the counties of Wilkes and Ashe, reported the said bill recommending an amendment to strike out the whole of said bill, except the words "a bill," and to adopt the one by him submitted; which was agreed to, and the same as amended was read the second time and passed.

Mr. Forney moved that the bill concerning the Cape-Fear Navigation Company, and the resolution relative to the salary of the Civil Engineer, be committed to a committee of the whole House, and made the order of the day for to-morrow; which was agreed to.

The Senate entered upon the orders of the day, and the bill to authorise the making and improving a road from Morganton to the Tennessee line, was read the second time; Mr. Wilson moved that the said bill be indefinitely postponed, and the question thereon was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. Wilson, and are as follows:

For the indefinite postponement, are

YEAS—Messrs. Albritton, Baker, Bowers, Beasley, Ferebee, Flowers, Gibbs, Gray, Gavin, Harrell, Hill, of Franklin, Jackson, Marsh, Phifer, Perkins, Pearsall, Parker, Peebles, Pool, Riddick, Shipman, Speight, Williams, Wilson, Whitfield—25.

Against the indefinite postponement, are

NAYS—Messrs. Alexander, Brittain, Callaway, Caldcleugh, Cameron, Devane, Frink, Forney, Hatch of Jones, Hill of Stokes, Love, Legrand, Marshall, M'Dowell, M'Leary, Murphy, Martin, Outlaw, Sneed, Scales, Torrence, Vanhook, Wellborn—23.

The Senate continued on the orders of the day, and the bill to amend the 9th, 10th and 11th sections of an act, entitled “an act to promote agriculture and family domestic manufactures, within this State,” was read the second time and amended in the title, on motion of Mr. Hatch of Jones, by striking out the words “the 9th, 10th and 11th sections,” and inserting the words “and extend the provisions.”

Mr. M'Dowell moved that the said bill be indefinitely postponed, which was not agreed to; the question then recurred on the passage of the said bill the second time, and the same was determined in the affirmative.

The Senate continued on the orders of the day, and the bill to establish a Superior Court of Law and Equity in the county of Davidson, was read the second time and passed.

The bill to legalize and render valid certain grants therein named, was read the second time; Mr. Gray moved to strike out “are only,” in the seventh line of the enacting clause, and insert “may have been,” which was agreed to.

Mr. Sneed moved to further amend the said bill by adding the following proviso:

*Provided*, That nothing in this act shall be construed to, or to affect any grants where there may have been a grant or grants for the same lands, under a regular certificate signed by the surveyor.

Which was not agreed to.

Mr. Cameron then moved to add the following proviso:

*Provided*, That nothing contained in this act, shall be construed to affect the titles of any land for which suit is now pending in any of the Courts of this State.

Which was agreed to.

The question then recurred on the passage of the said bill the second time, and the same was determined in the affirmative.

On this question the yeas and nays were demanded by Mr. Sneed, and are as follows:

For the passage of the bill are,

YEAS—Messrs. Albritton, Alexander, Baker, Bullock, Bryan, Bethune, Burges, Bowers, Beasley, Callaway, Cameron, Devane, Frink, Ferebee, Flowers, Forney, Gibbs, Gray, Gavin, Graves, Harrell, Hatch, of Jones, Hawkins, Hatch, of Wayne, Love, Legrand, Marshall, M'Dowell, Marsh, M'Leod, M'Leary, Martin, Phifer, Perkins, Parker, Peebles, Pool, Riddick, Speight, Seawell, Vanhook, Williams, Wilson, Whitfield, Wellborn—45.

Against the passage of the said bill are,

NAYS—Messrs. Brittain, Hill, of Franklin, Hill, of Stokes, Jackson, Murphy, Sneed, Sumner, Scales, Ward—9.

Mr. Graves, from the Committee on the Militia Laws, to whom was referred the resolution of the Senate of the 19th instant, instructing them to enquire into the expediency of so amending the militia laws of this State, as to prohibit free persons of colour from performing military duty, reported a bill to amend and explain the sixth section of an act passed in 1814, entitled “an act for the more perfect organization of the militia of this State,” which was read the first time and passed.

The resolution in favour of William Siler of Haywood county, was read the second and third time and passed, and ordered to be engrossed.

The bill to repeal the 44th section of an act, passed in the year 1741, entitled “an act concerning servants and slaves,” and the bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift, were severally read the second time and passed.

The engrossed bill making compensation to the jurors of the Superior and County Courts of Hertford and Gates, was read the second time, and on motion of Mr. Sumner, was indefinitely postponed.

The engrossed bill to authorise Daniel Dougherty of Lenoir county, to erect a bridge across Neuse river, was read the second time, and amended on motion of Mr. Hatch, of Jones, by adding the following proviso :

*Provided*, That one arch of said bridge, covering the deepest water in the river, shall be at least thirty feet wide.

The question then recurred on the passage of the said bill the second time, which was determined in the affirmative ; thereupon the said bill was read the third time and passed—a message was sent to the House of Commons asking their concurrence in the amendment.

The engrossed bill relative to the removal of obstructions to the passage of fish up the several rivers within this State, so far as relates to the Pedee and Yadkin rivers, was read ; Mr. Martin moved to amend the same by striking out the whole of the bill from the word “same,” in the third line of the enacting clause, and inserting “that the several acts of Assembly, heretofore passed, creating penalties for the obstruction of the passage of fish up the South Yadkin river, be and the same are hereby repealed.”

Mr. Cameron moved that the bill, together with the amendment, under consideration, lie on the table ; which was agreed to.

On motion, a message was sent to the House of Commons, stating the Senate *insist* on their amendment to the engrossed bill to

authorise the Court of Pleas and Quarter Sessions of Washington county, to appoint a Committee of Finance.

The following engrossed bills, to-wit: A bill for the more convenient administration of Justice in the Court of Pleas and Quarter Sessions of the county of Rockingham; a bill to repeal the 7th section of an act passed in the year 1822, authorising certain counties therein mentioned, to appoint a Committee of Finance, so far as respects the county of Anson; a bill to repeal an act, entitled "an act to establish a Court of Probate in the county of Cumberland, and for other purposes;" a bill to exempt certain citizens of the county of Beaufort from certain duties; a bill to establish Town Creek Academy in Edcombe county, and to incorporate the trustees thereof; a bill to repeal part of the 10th section of an act of the General Assembly passed in the year 1784; a bill to establish a poor-house in the county of Chowan, and a bill concerning the Courts of Pleas and Quarter Sessions of Moore and Sampson counties, were severally read the second and third time and passed, and ordered to be enrolled.

On motion of Mr. Hawkins, the bill creating a permanent fund for Internal Improvements, and to consolidate the several acts of Assembly creating funds for that purpose, was taken into consideration and read the second time.

Mr. Hawkins moved that the said bill be indefinitely postponed; and the question thereon was determined in the affirmative.

On this question, the Yeas and Nays were demanded by Mr. Hawkins, and are as follows.

For the indefinite postponement, are

YEAS—Messrs. Albritton, Alexander, Baker, Brittain, Bryan, Bethune, Burges, Bowers, Boddie, Beasley, Cameron, Devane, Frink, Ferebee, Forney, Flowers, Gibbs, Gray, Gavin, Graves, Harrell, Hatch, of Jones, Hatch, of Wayne, Hill, of Franklin, Hill, of Stokes, Hawkins, Jackson, Love, Legrand, Marshall, M'Dowell, Marsh, M'Leod, M'Leary, Murphey, Martin, Phifer, Pearsall, Parker, Pool, Riddick, Sifpman, Sneed, Speight, Scales, Seawell, Torrence, Vanhook, Williams, Wilson, Whitfield, Ward, Wall, Wellborn—54.

Against the indefinite postponement, are

NAYS—Messrs. Callaway, Peebles—2.

The Senate adjourned to 10 o'clock, to-morrow morning.

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*Saturday, December 27, 1823.*

The Senate met agreeably to adjournment.

A message was received from the House of Commons, stating that the Senate have passed a resolution in favour of Wm Silar, of Haywood county, and asking the concurrence of that House.

On motion, Mr. Gray, the Senator from the county of Randolph, and Mr. Phifer, the Senator from the county of Cabarrus, obtained leave of absence from the services of this House from after this day until the end of the session.

Mr. Cameron presented the following resolution :

*Resolved*, that the Public Treasurer pay to each of the door keepers of the two Houses of this General Assembly the sum of twenty-five dollars, being the usual allowance for the employment of hands for cutting and carrying wood and water during the present session.

*Resolved further*, that the joint rule which requires all resolutions for the appropriation of money, to be read three times in each House, be dispensed with, so far as relates to this resolution.

Which was read and adopted, and ordered to be engrossed.

Mr. Williams, from the select committee to whom was referred a bill to amend the inspection laws of this state, and for other purposes, reported the said bill without amendment, and the same being read, was on motion, indefinitely postponed.

Mr. Bryan, from the Committee on the Criminal Law, who were instructed to enquire into the expediency of establishing a Penitentiary," &c. made a detailed report on the subject ; and stating that they are not prepared to say that it is expedient at this time to introduce this fundamental change into the Criminal Code of the State ; which being read, on motion of Mr. Bryan, the committee was discharged from the further consideration of the subject.

Mr. Forney, from the Committee of Propositions and Grievances, to whom was referred the petition of Felix Walker, of Haywood county, reported the following resolution :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Which was agreed to.

Mr. Martin, from the Committee on Criminal Law, to whom was referred a bill to regulate the time of holding the Superior Courts of Law and Equity in the 5th Judicial Circuit, reported the said bill, with an amendment, to strike out the second section ; which was not agreed to ; and, thereupon, the said bill was read the second time and passed.

Mr. Martin, from the same committee, reported a bill to alter the punishment of the crime of perjury ; and

Mr. Gavin presented a bill relative to company masters of the militia.

Which were severally read the first time and passed.

On motion, Mr. Pearsall, the Senator from the county of Duplin, obtained leave of absence from the services of this House, from and after this day, until the end of the session.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to authorise and empower the Commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes, with an amendment to insert the words "fifty cents," after the word "dollars," in the fourteenth line ; which amendment was agreed to by the Senate.

Received from the House of Commons, a message, stating that they concur in the amendment made by the Senate to the engrossed

bill to authorise Daniel Dougherty, of Lenoir county, to erect a bridge across Nense river, and to the amendments made by the Senate in the several bills, entitled an "act to amend an act, passed in the year 1813, entitled an act to alter and regulate the annual elections in Hyde county;" and a bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-House in said county; and that they *recede* from their amendment made in the bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a Committee of Finance. Thereupon, the said bills were severally ordered to be enrolled.

Received from the House of Commons, a message, proposing to ballot immediately for a Board of Internal Improvements; which proposition was agreed to, and Messrs. Hill, of Stokes, and Hatch, of Wayne, were appointed superintendants of the balloting on the part of the Senate.

Received from the House of Commons, a message, proposing that a balloting take place for the remaining Trustee of the University of North-Carolina yet to be elected; and stating that the names of Bishop Ravenscroft and John A. Cameron are withdrawn from the nomination; and that Mr. Pugh and Mr. Bynum attend the Senate as superintendants of the balloting on the part of that House; which proposition to ballot was agreed to, and the name of Joseph Hawkins added to the nomination; and Mr. M'Dowell and Mr. Speight were appointed superintendants of the balloting on the part of the Senate.

The engrossed bills, to-wit: a bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale, and deeds of gift; and a bill to repeal the 44th section of an act, passed in the year 1741, entitled "an act concerning servants and slaves," were severally read the third time and passed, and ordered to be enrolled.

Mr. Speight, from the committee appointed to conduct the balloting for a Trustee of the University, reported that no person was elected.

Received from the House of Commons, a message, proposing to postpone balloting this session for one Trustee of the University; which proposition was agreed to.

Received from the House of Commons, a message, stating that Mr. Blackledge and Mr. Ashe attend the Senate as a committee on the part of that House to conduct the balloting for a Board of Internal Improvements.

Also a message, stating that they have passed the following bills, to-wit: a bill to provide for the paying of Jurors of the county of Wayne; a bill to incorporate the Milton Male Academy, in the county of Caswell; a bill to keep open Goose Creek, in Craven

county ; a bill to amend and continue in force an act, passed in the year 1820, entitled "an act appointing Commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes;" a bill to regulate the Courts of Pleas and Quarter Sessions of Duplin county ; a bill to regulate the seine fisheries on Tranter's Creek ; a bill for the relief of Elizabeth Hoggatt, of the county of Guilford ; a bill to divorce Jacob Johnston, of Chatham county, from his wife Hannah ; a bill authorising the Court of Pleas and Quarter Sessions of Rowan county to levy a tax and appoint Commissioners to build a bridge across the South Yadkin River ; a bill directing the appointment and time of holding the Board of Appeals for Washington county, and for other purposes ; a bill to incorporate New Providence Library Company ; a bill to increase constables' fees in the county of New-Hanover ; a bill to amend an act, passed in the year 1812, entitled "an act directing the time and manner of appointing overseers in Richmond county ;" a bill to repeal an act, passed in the year 1819, entitled "an act authorising the wardens of the poor of Wake, Craven and Jones counties to lay such tax as may be necessary for the support of the poor of said counties," so far as respects Craven county ; a bill to amend an act, entitled "an act directing the time and place of sales of land and slaves under execution ; and a bill to establish a poor and work-house in the county of Duplin ; also a resolution in favor of Richard T. Brownrigg, late Colonel of the Chowan regiment of militia ; and a resolution in favor of John Barnett, Sheriff of Person county ; and asking the concurrence of the Senate.

Thereupon, the said bills and resolutions were severally read the first time and passed.

The engrossed bill to amend an act, entitled "an act regulating descents," passed in the year 1808, was read the third time, and the amendment offered by Mr. Seawell being under consideration, to-wit : to strike out the whole of the bill from the word "same," in the 4th line of the enacting clause, and insert "that in case any lands or tenements shall descend to any person or persons who at the time of such descent are the only heirs, and such heirs or either of them shall sell or dispose of, for a valuable consideration, such estate or any part thereof, the said conveyance shall be held and deemed effectual in law, against the claim of any after born heir, except such heir as shall be born within ten months after the happening of the first descent ;" which amendment was not agreed to. The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative ; and a message was sent to the House of Commons, asking their concurrence in an amendment made on the second reading of the said bill, on motion of Mr. Gray, to strike out "twelve," and insert "ten."

Mr. Hatch, of Wayne, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported that Duncan Cameron, Durant Hatch, jr. Montfort Stokes, John D. Hawkins, Thomas Turner and John Owen were duly elected; which report was concurred in.

The bill authorising the erection of a public bridge over New River, in Ashe county, was read the third time. Mr. Phifer moved to strike out so much of the second section of the bill as relates to the appropriation of two hundred dollars; which was not agreed to.

Mr. Hill, of Franklin, moved to amend the said bill, by adding the following section:

*“And be it further enacted, That the Board of Internal Improvement shall, from the unappropriated funds set apart for purposes of Internal Improvement, cause good and efficient bridges to be built across Tar river and Neuse river, at the places where the main stage road of the United States crosses the said rivers, so soon hereafter as the present contracts for building and repairing the bridges at the aforesaid points shall expire.*

Which amendment was not agreed to.

The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative; and the same was ordered to be engrossed.

Mr. Murphy presented a bill to amend an act, passed in the year 1810, entitled “an act to establish a separate regiment in the county of Robeson; which was read the first, second and third time and passed, and ordered to be engrossed.

Mr. M'Dowell presented a bill for the benefit of John B. Whitesides and Thomas Hughes; which was read the first, second and third time and passed, and ordered to be engrossed.

On motion, Mr. Caldcleugh, the Senator from the county of Davidson obtained leave of absence from the services of this House, from and after to-day, until the end of the session.

The bill to legalize and render valid certain grants therein named, was read the third time and amended, on motion of Mr. Hill, of Franklin, by striking out the whole of the bill, from the word “same,” in the third line, and insert “that all grants heretofore issued for lands, upon the certificate or certificates of any deputy surveyor, where the laws require that said certificate or certificates should have been signed by the surveyor himself, shall be as good and valid, to all intents and purposes, as if the said certificates had been signed by the surveyor, unless where there has been already issued a subsequent grant for the same land upon a certificate signed by the surveyor.

*“And be it further enacted, That where any grant has heretofore issued upon any certificate of survey, signed by the deputy surveyor, no grant shall hereafter be issued for the lands embraced and designated by said deputy surveyor’s certificate; any law to the contrary notwithstanding.”*

Thereupon, the said bill was read the third time and passed, and ordered to be engrossed.

Mr. Wall moved for, and obtained leave to withdraw the petition of Hugh M'Arn, of Richmond county, together with the accompanying papers.

The engrossed bill to provide for the paying of Jurors of the county of Wayne, was read the second time and amended, on motion of Mr. Hatch, of Wayne, to strike out the words "seventy-five cents," in the second line of the second section, and to insert the words "one dollar." Thereupon, the said bill passed the second and third time; and a message was sent to the House of Commons, asking their concurrence in the amendment.

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favor of the Door-Keepers of the two Houses, and asking the concurrence of that House.

The bill to amend an act passed in the year 1812, entitled an act directing the time and manner of appointing overseers in Richmond county, was read the second and third time and passed, and amended on the second reading, on motion of Mr. Wall, by adding the following proviso :

*Provided*, that this act shall not take effect until after next January term.

Also to add "of roads" in the title of the bill; and a message was sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures within this state, was read the third time and passed, and ordered to be engrossed.

The bill to establish a Superior Court of Law and Equity in the county of Davidson, was read the third time and amended, on motion of Mr. Vanhook, by adding the following section :

*Be it further enacted*, that after the next terms of the County Courts of Pleas and Quarter Sessions of the counties of Person, Guilford and Rockingham, they shall be held for the county of Person on the third Monday in May, August, November and February; for the county of Guilford, on the fourth Monday of May, August, November and February; and for the county of Rockingham, on the first Monday of June, September, December, and March, in each and every year; and to which times all the process and proceedings of the said Courts respectively shall be made returnable.

And the said bill was further amended, on motion of Mr. Cameron, by adding in the title of the bill, the words,

"and to alter the time of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Court of Stokes and the County Courts of Person."

And the said bill was further amended, on motion of Mr. Cald- cleugh, by adding the 7th section :

*And be it further enacted*, that the court of pleas and quarter sessions of the county of Davidson, shall be opened and held on the third Monday of March, June, September and December, in each and every year; to which times all the process and other proceedings of said Court shall be made returnable: Provided, that this act shall not be in force until after the next session of the court of pleas and quarter sessions for said county.

The question then recurred on the passage of the said bill the third time, and the question thereon was determined in the affirmative, and ordered to be engrossed.

The bill to amend and explain the sixth section of an act, passed in 1814, entitled "an act for the more perfect organization of the militia of this state," was read the third time and passed, and ordered to be engrossed.

The engrossed bill to incorporate the Milton Male Academy, in the county of Caswell; a bill to regulate the courts of pleas and quarter sessions of Duplin county; a bill to amend and continue in force an act passed in the year 1820, entitled an act appointing commissioners for fixing on a suitable place for the public buildings in Hyde county, and for other purposes; a bill to keep open Goose creek, in Craven county; a bill to regulate the seine fisheries on Tranter's creek; a bill for the relief of Elizabeth Hoggatt, of the county of Guilford; a bill to divorce Jacob Johnson, of Chatham county, from his wife Hannah; a bill authorising the court of pleas and quarter sessions of Rowan county to levy a tax and appoint commissioners to build a bridge across the South Yadkin river; a bill to increase constables fees in the county of New-Hanover; a bill directing the appointment and time of holding the board of appeals for Washington county, and for other purposes; a bill to incorporate New Providence Library Company; a bill to repeal an act passed in the year 1819, entitled an act authorising the wardens of the poor of Wake, Craven and Jones counties to lay such tax as may be necessary for the support of the poor of said counties, so far as respects Craven county; a bill to establish a poor and workhouse in the county of Duplin; and a bill to amend an act, entitled "an act directing the time and place of sales of lands and slaves under execution;" also a resolution in favour of John Barnett, sheriff of Person county; and a resolution in favour of Richard T. Brownrigg, late Colonel of the Chowan regiment of militia, were severally read the second and third time, and ordered to be enrolled.

Mr. Graves presented the following resolution :

*Resolved*, that the Adjutant General of this State, under the direction of the Governor, be requested to procure a full and complete description of the uniform of the army of the United States, and publish the same as public orders, forthwith requiring the several officers of the militia of this state to observe a strict conformity thereto.

*Resolved further*, that the Adjutant-General furnish to the several returning officers of the militia of this state, proper blank returns for their future returns.

And Mr. Hill, of Franklin, presented the following resolution :

*Resolved*, that the Treasurer of the State of North-Carolina, be required to withhold the payment of any further sum as an instalment on the shares subscribed for by the Treasurer, in behalf of the State in the Tar River Navigation Company, until he shall have ascertained, whether said Company has been duly and legally organized: and until it shall be also ascertained whether the subscribers for stock in said Company are bound by Law to pay the instalments required by said Company.

Which resolutions were ordered to lie on the table.

The engrossed bill to amend an act passed in the year 1821, entitled an act, to amend an act passed in the year 1810, entitled an act to amend an act passed in the year 1809, entitled an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this state, so far as relates to the PeeDee and Yadkin rivers, was read the second time, and on motion of Mr. Torrence, was indefinitely postponed.

Received from the House of Commons, the resignation of Wm. P. Waugh, Colonel Commandant of the Cavalry attached to the 9th brigade of militia, which was endorsed in that House, read and accepted, and the same was read and accepted by the Senate.

On motion of Mr. Wellborn, the Senate resolved itself into a committee of the whole, Mr. Seawell in the chair, on the bill concerning the Cape-Fear Navigation Company, and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

The Senate adjourned to 10 o'clock, on Monday morning.

*Monday, December 29, 1823.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the Senate have passed a bill to amend and explain the 6th section of an act passed in 1814, entitled "an act for the more perfect organization of the militia of this State;" a bill to establish a Superior Court of Law and Equity in the county of Davidson, and to alter the time of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Court of Stokes, and the County Courts of Person; a bill to amend and extend the provisions of an act, entitled "an act to promote Agriculture and Family Domestic Manufactures, within this State;" a bill authorising the erection of a public bridge over New River, in Ashe county; a bill to legalize and render valid certain grants therein named; a bill to amend an act passed in the year 1810, entitled "an act to establish a separate regiment in the county of Robeson," and a bill for the benefit of John B. Whiteside and Thomas Hughs, in which they ask the concurrence of that House.

On motion, Mr. Perkins, the member of the Senate from the county of Camden, obtained leave of absence from the services of this House, from and after this day until the end of the session.

Mr. Martin, from the Committee on Criminal Law, to whom was referred a bill to amend and alter the laws now in force relative to the Supreme Court of North-Carolina, reported the said bill without amendment; thereupon the same, on motion of Mr. Martin, was indefinitely postponed.

Mr. Wellborn, from the Committee of Finance, reported that the committee had examined the vouchers in the Comptroller's office, and found them to correspond with the statement made and exhibited by that officer to the General Assembly, and that there is now in the Treasurer's office five thousand six hundred and ninety-six dollars and twenty-five cents in Treasury notes, unfit for circulation, and recommending the adoption of the following resolution:

*Resolved*, That the Committee of Finance be instructed to have burnt, the sum of five thousand six hundred and ninety-six dollars and twenty-five cents of Treasury Notes, unfit for circulation, and that the Treasurer have credit for the above sum in the settlement of his accounts.

Which was agreed to.

Received from the House of Commons, a memorial of the Trustees of the University of this State; accompanying which is a message proposing that the same be referred to a select joint-committee, and appointing Messrs. Mebane, Iredell and Stanly, the committee on the part of that House; which proposition was agreed to, and Messrs. Phifer, Bryan and Sneed, were appointed on the part of the Senate.

Received from the House of Commons, a message, stating that they have passed a resolution to burn Treasury Notes, and asking the concurrence of the Senate; thereupon the same was read and adopted and ordered to be enrolled.

Received from the House of Commons, a communication from the Governor, of the date of the 27th instant, enclosing resolutions of the General Assembly of the State of Tennessee, accompanying which is a message from the House of Commons, proposing that the communication be printed, one copy for each member of the General Assembly; which proposition being read, Mr. Seawell moved that the further consideration of the proposition to print the message, be indefinitely postponed.

On this question the yeas and nays were demanded by Mr. Martin, and are as follows:

For the indefinite postponement, are

YEAS—Messrs. Baker, Brittain, Bullock, Burges, Boddie, Callaway, Devane, Ferebee, Flowers, Graves, Harrell, Hill, of Franklin, Hawkins, Hatch, of Wayne, Marsh, Murphy, Peebles, Outlaw, Shipman, Sumner, Scales, Seawell, Vanhook, Williams, Ward, Wall, Wellborn—27.

Against the indefinite postponement, are

NAYS—Messrs. Albritton, Alexander, Bryan, Bethune, Beasley, Cameron, Frink, Forney, Gibbs, Hatch, of Jones, Hill, of Stokes, Jackson, Love, Legrand, Marshall, M'Dowell, M'Leod, M'Leary, Martin, Phifer, Parker, Pool, Riddick, Sneed, Speight, Torrence, Wilson—27.

There being an equal number of votes for and against this motion; the Speaker of the Senate thereupon, voted in the affirmative, and the motion for the indefinite postponement prevailed, and the House of Commons was informed thereof by message.

Mr. M'Dowell presented a bill to amend an act, entitled "an act to encourage agriculture and family domestic manufactures within this State; which was read, and on motion of Mr. Hatch of Jones, indefinitely postponed.

The bill to alter the punishment for the crime of perjury, was read the second time; and on motion it was resolved by the Senate that the bill shall not pass.

The bill relative to company musters of the militia, was read the second time; Mr. Jackson moved an amendment, to strike out the whole of the bill from the word "same," in the third line of the enacting clause, and insert the following: "that in future it shall not be lawful for any Captain of the militia, in any county, to order a company muster between the 15th of May and the 15th of August, in each and every year;" which was not agreed to—Mr. Wilson moved that the said bill be indefinitely postponed, which was not agreed to; Mr. Phifer moved an amendment, to strike out the word "October," in the 9th line, and insert "March," which was agreed to; Mr. Callaway moved a proviso, "that nothing contained in this act, shall affect the county of Ashe," which was not agreed to.

The question then recurred on the passage of the said bill the second time, and the same was determined in the negative.

On this question the yeas and nays were demanded by Mr. Callaway, and are as follows:

For the passage of the bill, are

YEAS.—Messrs. Albritton, Baker, Bryan, Bethune, Burges, Boddie, Cameron, Frink, Ferebee, Forney, Gavin, Hatch, of Jones, Hill, of Franklin, Jackson, Marshall, M'Dowell, Murphey, Phifer, Parker, Peebles, Pool, Shipman, Scales, Seawell, Torrence, Wall—26.

Against the passage of the bill, are

NAYS—Messrs. Alexander, Brittain, Bullock, Beasley, Callaway, Devane, Flowers, Gibbs, Graves, Harrell, Hill, of Stokes, Hawkins, Hatch, of Wayne, Love, Legrand, Marsh, M'Leod, M'Leary, Martin, Riddick, Sneed, Speight, Vanhook, Williams, Wilson, Ward, Wellborn—27.

Received from the House of Commons, a message, stating that they have passed a resolution concerning the Civil Engineer, and asking the concurrence of the Senate; and the same, on motion of Mr. Forney, was committed to a Committee of the whole House, to whom was referred a resolution of the Senate on the same subject, and the bill concerning the Cape-Fear Navigation Company; thereupon,

On motion of Mr. Forney, the Senate resolved itself into a Committee of the whole, Mr. Hatch, of Jones, in the Chair, on the subjects abovementioned, and after some time spent therein, the Committee rose, the Speaker resumed the Chair, and Mr. Hatch, of Jones, from the Committee of the whole, reported the several sub-

jects with amendments: First, to the resolution received from the House of Commons, to strike out all the resolution after the word "resolved," and insert "that it is inexpedient to make any further provision, as to the employment of the Civil Engineer, than such as now exists by law."

Mr. Forney moved that the further consideration of the resolution and amendment, be indefinitely postponed; which was agreed to.

To the resolution of the Senate on the subject of the salary of the Civil Engineer, the Committee of the whole proposed an amendment, to strike out the whole of the resolution after the word "resolve," and to insert "that it is inexpedient to make any further provision as to the employment of the Civil Engineer, than such as now exists by law."

Mr. Forney moved to postpone the said resolution and amendment, indefinitely; which was agreed to.

The Senate then proceeded to the consideration of the amendment proposed to the bill concerning the Cape-Fear Navigation Company, when Mr. Speight moved to postpone indefinitely, the bill and amendment; which was not agreed to.

On this question the yeas and nays were demanded by Mr. Speight, and are as follows:

For the indefinite postponement are,

YEAS--Messrs. Albritton, Bullock, Bowers, Beasley, Flowers, Gibbs, Harrell, Jackson, Marshall, Marsh, Parker, Pool, Riddick, Speight, Williams--15.

Against the indefinite postponement are,

NAYS--Messrs. Alexander, Brittain, Bryan, Bethune, Burges, Boddie, Callaway, Cameron, Devane, Frink, Ferebee, Forney, Gavin, Graves, Hatch, of Jones, Hill, of Franklin, Hill, of Stokes, Hawkins, Hatch, of Wayne, Love, Legrand, M'Dowell, M'Leod, M'Leary, Martin, Phifer, Peebles, Shipman, Sneed, Sumner, Seales, Seawell, Torrence, Vanhook, Wilson, Whitfield, Ward, Wall, Wellborn--39.

The question then recurred on the adoption of the amendment, which was agreed to; and thereupon the said bill passed the third time, and ordered to be engrossed.

Mr. Boddie presented a bill to alter the names and legitimate John Hunt and others, which was read the first, second and third time, and passed and ordered to be engrossed.

The Senate adjourned to 10 o'clock to-morrow morning.

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*Tuesday, December 30, 1823.*

The Senate met agreeably to adjournment.

On motion, Mr. Hatch of Wayne, obtained leave of absence from the services of the Senate, from and after this day, until the end of this session.

Received from the House of Commons, a message, stating that the Senate have passed the engrossed bill, concerning the Roanoke Navigation Company, with the following amendments: to insert "if

they deem it expedient," after the word "shall," in the 4th line of the first section, and to add the following proviso after the first section:

*Provided*, That it shall be a condition of such subscription, made by the Public Treasurer with the Directors of the Roanoke Navigation Company, that the said money shall be applicable only to the expence of locking down from the basin at Welton's orchard, into the river.

And asking the concurrence of the Senate in the said amendments; thereupon the same were agreed to, with an amendment to the amendment, on motion of Mr. Seawell, to strike out the words "Public Treasurer," and to insert "Board of Internal Improvements;" and a message was sent to the House of Commons asking their concurrence.

Received from the House of Commons, a resolution in favour of John Gray Blount, which being read, Mr. Cameron moved to strike out the whole of the resolution from the word "resolved," and insert the following: "that the Secretary of State issue to John Bullock, or his heirs at law, a duplicate military land warrant, for two hundred and twenty-eight acres of land; and that he also issue to Amos Lewis, or his heirs at law, a military warrant for two hundred and twenty-eight acres of land," which was not agreed to. The question then recurred on the adoption of the resolution, and the same was determined in the affirmative, and ordered to be enrolled.

The bill to regulate the time of holding the Superior Courts of Law and Equity in the 5th Judicial Circuit, was read the third time and passed, and ordered to be engrossed.

The engrossed resolution directing the Secretary of State to purchase stationary, and the resolution directing the Board of Internal Improvements to cause a survey to be made of the north-east branch of the Cape-Fear river, were read and adopted and ordered to be enrolled.

Received from the House of Commons, the engrossed bill to authorise the issuing of Treasury Notes, which was read the first time and passed.

Received from the House of Commons, a message, stating that they agree to the several amendments made by the Senate to the bill to amend an act, entitled "an act regulating descents," passed in 1808; the bill to amend an act passed in the year 1812, entitled "an act directing the time and manner of appointing overseers of roads, in Richmond county;" and the bill to provide for the paying of Jurors of the county of Wayne. Thereupon the said bills were severally ordered to be enrolled.

A message was sent to the House of Commons, stating that the Senate have passed a bill to alter the names and legitimate John Hunt and others; and a bill concerning the Cape-Fear Navigation, and asking the concurrence of that House.

On motion of Mr. M'Leod, it was resolved by the Senate, that the 31th rule for the government of this House, requiring "that all bills of a public nature, when ready for the second hearing, shall be noted to be read at least one day previous thereto," be suspended for the remaining part of this session.

On motion of Mr. M'Leod, a message was sent the House of Commons, proposing that the two Houses adjourn on to-morrow at twelve o'clock, without day.

The resolution instructing the Public Treasurer respecting the Tar River Navigation Company, was read, and amended, on motion of Mr. Seawell, by striking out the whole of the resolution from the "word organized," and to add, "and until it shall appear to the satisfaction of the said Public Treasurer that the subscriptions for stock in the said corporation by individuals were made in conformity to law; and until also the said corporation put themselves under the management of the Board of Internal Improvement."—The question then recurred on the adoption of the resolution; and the same was determined in the affirmative, and ordered to be engrossed.

The engrossed bill directing a Court of Oyer and Terminer to be held for the county of Wake, was read the second time, and on motion, it was resolved by the Senate, that this bill shall not pass.

A message was sent to the House of Commons, stating that the Senate have passed a resolution instructing the Public Treasurer respecting the Tar River Navigation Company, in which they ask the concurrence of that House.

The engrossed bill to authorise the issuing of Treasury Notes, was read the second time. Mr. Seawell moved that the said bill be indefinitely postponed; and the question thereon was determined in the negative.

On this question the Yeas and Nays were demanded by Mr. Marsh, and are as follows.

For the indefinite postponement, are

YEAS—Messrs. Bethune, Boddie, Cameron, Hill of Stokes, Legrand, Murphy, Outlaw, Phifer, Peebles, Shipman, Sneed, Seawell, Torrence, Whitheld—14.

Against the indefinite postponement, are

NAYS—Messrs. Albritton, Alexander, Baker, Brittain, Bullock, Bryan, Bowers, Beasley, Callaway, Devane, Frink, Ferebee, Flowers, Gibbs, Gavin, Harrell, Hatch of Jones, Hill, of Franklin, Hawkins, Jackson, Love, Marshall, M'Dowell, Marsh, M'Leod, M'Leary, Parker, Pool, Riddick, Speight, Scales, Vanhook, Williams, Wilson, Ward, Wall, Wellborn—37.

Mr. Hill, of Franklin, then moved an amendment to strike out the words "one hundred," in the 5th line of the 1st section, and to insert the word "fifty"—Which was not agreed to.

Mr. Love moved an amendment, to add the following section :

*And be it further enacted*, that the Public Treasurer shall be allowed the same compensation, according to the amount of the Treasury Notes issued in virtue of this act, that he was allowed by the General Assembly heretofore for the like services.

Which was agreed to.

The question then recurred on the passage of the said bill the second time, and the same was determined in the affirmative.

Thereupon the said bill was read the third time and passed: and a message was sent to the House of Commons asking their concurrence in the amendment.

On the passage of the said bill, the Yeas and Nays were demanded by Mr. Cameron, and are as follows:

For the passage of the said bill are,

YEAS—Messrs. Albritton, Alexander, Brittain, Bullock, Beasley, Callaway, Devane, Frink, Ferebee, Flowers, Gibbs, Gavin, Harrell, Hill, of Franklin, Hawkins, Love, Marshall, Marsh, M'Leod, Parker, Riddick, Scales, Williams, Wilson, Wall, Ward, Wellborn—27.

Against the passage of the said bill, are

NAYS—Messrs. Bryan, Bethune Cameron, Forney, Hatch, of Jones, Hill, of Stokes, Jackson, Legrand, M'Dowell, Martin, Outlaw, Phifer, Peebles, Pool, Shipman, Snead, Seawell, Torrence, Whitfield—19.

Mr. Callaway presented a bill to appoint commissioners to lay off the state road from John Lyles' to Absalom Bowers' old place, and for other purposes, which was read the first, second and third time and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the bill authorising the building of a toll-bridge over Roanoke river at the town of Halifax, and to incorporate a company for that purpose, with sundry amendments therein stated, and asking the concurrence of the Senate; which amendments were severally read and agreed to.

A message was sent to the House of Commons, stating that the Senate have passed a bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit; and a bill to appoint commissioners to lay off the state road from John Lyles' to Absalom Bowers' old place, and for other purposes, and asking the concurrence of that House.

On motion, Mr. Hill, of Franklin, and Mr. Hawkins, of Warren, obtained leave of absence from the services of this House, from and after this day until the end of this session.

The Senate adjourned to 9 o'clock, to-morrow morning.

Wednesday, December 31, 1823.

The Senate met agreeably to adjournment.

Mr. Graves, from the committee on the militia laws, to whom was referred a resolution of the Senate, directing them to enquire into the expediency of allowing compensation to a court-martial, ordered to try the Colonel of the Duplin regiment of

militia, reported the following resolution: "Resolved, that it is inexpedient to pay the said court-martial."—Which was agreed to.

Mr. Wilson moved for, and obtained leave to withdraw the petition from Carteret county, praying that compensation be made to a detachment of the militia of said county.

Received from the House of Commons, a message, proposing that a balloting immediately take place for Colonel of Cavalry in the 9th brigade of militia, and nominating for that appointment, Sammel F. Patterson—Which proposition to ballot, was not agreed to.

Received from the House of Commons, a message, stating that they "recede" from their amendment to the bill to repeal an act passed in the year 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery, so far as relates to the county of Moore;" thereupon the same was ordered to be enrolled.

Mr. Forney presented a bill to appoint commissioners to view and lay out a road from Salisbury to Beattie's Ford on the Catawba—Which was read the first time and passed.

Mr. Cameron presented the following resolution:

Resolved by the General Assembly of the State of North-Carolina, that the Public Treasurer be directed to pay to Joseph Gales and Son, one hundred and ninety-six dollars, for printing an extra number of copies of the Report of the Board for Internal Improvements at the present session, for the use of the members of Assembly; and that the joint rule which requires all resolutions for the payment of money, to be read three times in each House, be, as regards this resolution, dispensed with.

Which was adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to reduce the salary of the Supreme Court Judges of this State; and asking the concurrence of the Senate.—Thereupon the said bill was read, and

On motion of Mr. Wilson, was indefinitely postponed. On this question, the Yeas and Nays were demanded by Mr. Torrence, and are as follows:

For the indefinite postponement of the bill, are

YEAS--Messrs. Alexander, Baker, Brittain, Bryan, Bethune, Burges, Boddie, Cameron, Devane, Ferebee, Flowers, Forney, Graves, Hatch, of Jones, Hill, of Stokes, Hawkins, Legrand, Marshall, M'Leod, Martin, Outlaw, Peebles, Pool, Sneed, Sumner, Seawell, Williams, Wilson, Ward, all--30.

Against the indefinite postponement of this bill, are

NAYS--Messrs. Albritton, Bullock, Frink, Giobs, Gavin, Harrell, Jackson, Love, Marsh, M'Leary, Murphy, Phifer, Parker, Riddick, Shipman, Speight, Scales, Torrence, Vanhook, Wellborn--20.

Received from the House of Commons, a message, stating that they have postponed indefinitely the bill to amend an act passed in 1806, entitled "an act for the more uniform and convenient administration of justice within this State."

Also received a message, stating that the House of Commons concur in the amendment made by the Senate to the bill to authorise the

issuing of Treasury Notes ; thereupon the same was ordered to be enrolled.

The engrossed resolution in favour of Joseph Medley, sheriff of Anson county, was read the first, second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed the engrossed bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, with an amendment, to insert after the word " Judge" the words " and Solicitor," and strike out the whole of the 2d section after the word " pay," and insert " in proportion to the additional time," and the same being read, a message was sent to the House of Commons, stating the agreement of the Senate to the amendment first above mentioned ; but that they do not agree to the other amendment.

The bill to appoint commissioners to view and lay out a road from Salisbury to Beattie's Ford on the Catawba, was read the second and third time, and passed, and a message was sent to the House of Commons, asking their concurrence.

Received from the House of Commons, a message, stating that they have passed the engrossed resolution instructing the Public Treasurer respecting the Tar River Navigation Company, with an amendment in the 7th line of the first section after the word " river" to insert the words " and Neuse river," and to make the other parts of the resolution correspondent, which amendments were agreed to.

The engrossed resolution in favour of the door-keepers of the House of Commons, was read and adopted, and ordered to be enrolled.

Received from the House of Commons, the resignation of Francis L. Hawks, Colonel of Cavalry of Craven county, which is endorsed " read and accepted," and the same was read and accepted by the Senate.

Received from the House of Commons, a message, stating that they have passed a bill to explain the second section of an act passed in the year 1806, entitled " an act to revise the militia laws of this state relative to the infantry ;" and a bill to repeal the 5th section of an act passed in 1812, entitled " an act to amend the militia laws of this state," and asking the concurrence of the Senate. Thereupon the first mentioned bill was read the first, second and third time and passed ; and ordered to be enrolled ; and the last mentioned bill was read the first time, and passed ; and the same being read the second time ; Mr. M'Leod moved that the bill be indefinitely postponed, and the question thereon was determined in the affirmative.

A message was sent to the House of Commons, stating that the Senate have passed a resolution in favour of Joseph Gales and Son, in which they ask the concurrence of that House.

On motion of Mr. Graves, the Senate proceeded to the consideration of the resolution presented by him on the 27th instant, relative to the militia of this state; and the same being read, Mr. Callaway moved that the resolution be amended, by adding the following proviso: "Provided that nothing contained in this resolution shall extend to any officer of the militia below the grade of a general officer;" which was not agreed to. Mr. Callaway then moved that the further consideration of the resolution be postponed indefinitely, and the question thereon was determined in the affirmative.

Received from the House of Commons, a message, stating that they have postponed indefinitely the bill to authorise John Patton, of Buncombe county, to convey to Thomas Kinsey and others, in trust, a certain portion of the public lands; and also the bill authorising the improvement of Great Cohara Swamp, in the county of Sampson.

Mr. Love moved to reconsider the vote on the resolution relative to the militia, with a view to amend the same; which was agreed to; and the same was amended, on motion of Mr. Brittain, by striking out the whole of the first resolution, after the word "same," in the fifth line; and the resolution being further amended, on motion of Mr. Cameron, by striking out the preamble, it was thereupon adopted and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill to provide for revising and consolidating the acts of the General Assembly concerning executors and administrators; and a bill to extend the time within which Commissioners were authorised to receive subscriptions to build a toll-bridge over Dan river, in the county of Caswell, near Milton, and to continue in force an act, passed at the last session of the General Assembly, incorporating a company for that purpose; and asking the concurrence of the Senate.

Thereupon, the first mentioned bill was read the first time and passed; and the same being read the second time, was, on motion of Mr. Seawell, indefinitely postponed; and the last mentioned bill was read the first, second and third time and passed, and ordered to be enrolled.

Received from the House of Commons, a message, stating that they have passed a bill to provide a uniform system for the government of Courts Martial on the trial of officers under arrest; and asking the concurrence of the Senate. Thereupon, the said bill was read the first time and passed; and the same being read the second time, was, on motion of Mr. Seawell, indefinitely postponed.

The Senate adjourned to 3 o'clock, this afternoon.

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*Wednesday afternoon, 3 o'clock.*

The Senate met agreeably to adjournment.

A message was sent to the House of Commons, stating that the

Senate have passed a resolution concerning the militia of this state; in which they ask the concurrence of that House.

On motion, Mr. Beasley, the Senator from the county of Tyrrell obtained leave of absence from the services of this House, from after this day, until the end of the present session.

Received from the House of Commons, a message; stating that they have passed the engrossed bill to amend and extend the provisions of an act, entitled "an act to promote agriculture and family domestic manufactures within this State," with sundry amendments; which were severally read and agreed to by the Senate; and the House of Commons was informed thereof by message.

Mr. Wellborn, from the Committee of Finance, who was charged with the duty of counting and burning the worn and defaced treasury notes, reported, that in executing the duties assigned them, they have burnt and destroyed the sum of five thousand six hundred and ninety-six dollars and twenty-five cents of treasury notes, issued by this State, which were judged unfit for further use or circulation; and thereupon, submitted the following resolution:

*Resolved*, That the Public Treasurer have credit in his account with the State, for the above mentioned sum of five thousand six hundred and ninety-six dollars and twenty-five cents, being the amount of the treasury notes burnt and destroyed; and that the Comptroller credit him accordingly.

Which was read and adopted, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed a bill further to mitigate the severity of executions, and asking the concurrence of the Senate. Thereupon, the said bill was read the first time and passed; which being read the second time, Mr. Bryan moved to amend the same by adding the words "together with so much of the crop, stock, and provisions as will suffice for the support of the family for six months." Mr. Frink moved that the said bill, together with the amendment, be indefinitely postponed; and the question thereon was determined in the affirmative.

The engrossed bill to repeal the 9th section of an act, passed in 1813, entitled "an act to amend the militia laws of this State, and for other purposes," was read the first time and passed; and the same being read the second time, it was resolved by the Senate, that the same shall not pass.

Received from the House of Commons, a message, stating that they have indefinitely postponed the recommendation of the members of Beaufort, in relation to the appointment of sundry persons to the commission of the Peace.

Received also a message, stating that the House of Commons agree to the amendments made by the Senate to the bill to amend the laws making provision for widows. Thereupon, the same was ordered to be enrolled.

The engrossed resolution in favor of Mr. Appleton, was read the first, second and third time and passed, and amended, on the second reading, on motion of Mr. Hatch, to strike out the words "five hundred," in the second line, and to insert "one thousand;" and a message was sent to the House of Commons, asking their concurrence in the amendment.

The following engrossed bills, to-wit: a bill securing to the widows of intestates the surplus of the personal estate of their deceased husbands where no kindred claims the same; a bill to authorise the distribution of the militia laws of this State; a bill directing a geological and mineralogical survey to be made of the State of North-Carolina; and a bill authorising certain limitations of slaves by deed or writing, were severally read the first, second and third time and passed, and ordered to be enrolled.

Mr. Cameron moved to reconsider the vote taken on the last mentioned bill, with a view to amend the same; which was agreed to; and the said bill being reconsidered, Mr. Cameron moved an amendment, to insert after the word "deed," in the second section, the words "or writing;" which was agreed to. The question then recurred on the passage of the said bill as amended, and the same was determined in the affirmative; and a message was sent to the House of Commons, asking their concurrence in the amendment.

Received from the House of Commons, a message, stating that they do not agree to the amendment made by the Senate to the resolution in favor of Mr. Appleton. Thereupon, the Senate receded from their amendment, and the House of Commons was informed thereof by message.

The engrossed bill to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by way of Gap Civil, in Ashe county, was read the first, second and third time and passed, and ordered to be enrolled.

The engrossed resolutions, appropriating money for the completion of the State-House, was read and adopted, and ordered to be enrolled.

The Senate adjourned to 7 o'clock to-morrow morning.

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*Thursday, January 1, 1824.*

The Senate met agreeably to adjournment.

Received from the House of Commons, a resolution retaining the State Engineer; which was read the first time. Mr. Wellborn moved to strike out the word "three," in the 10th line, and to insert "one;" which was not agreed to. Thereupon, the said resolution, on motion of Mr. Hill, of Stokes, was indefinitely postponed.

Mr. Love presented the following resolution:

*Resolved*, That the Treasurer, Secretary and Comptroller constitute a Board for the superintending the application of the fund set apart for the completion of the Capitol, and the procurement of the necessary furniture; and

*Resolved further*, That the services of the State Architect be henceforth dispensed with.

Which was read and adopted, and sent to the House of Commons for their concurrence.

Received from the House of Commons, a resolution in favour of Bell & Lawrence, and a resolution requesting the Governor to address a memorial to the Congress of the United States, on the subject of making provisions for satisfying, out of the lands ceded by this State to the United States, such claims as have been adjudged valid by this State; which were severally read and agreed to, and ordered to be enrolled.

Mr. Cameron presented a bill concerning entries in John Armstrong's office, and military land warrants, which was read the first time and passed, and the same being read the second time, it was resolved by the Senate that the bill shall not pass.

Received from the House of Commons, a message, stating that they have completed the whole of the business before them and now propose that the two Houses of this General Assembly adjourn immediately without day.

Mr. Wellborn presented the following resolution:

*Resolved unanimously*, That the thanks of the Senate be given to the Honorable BARTLETT YANCY, for the able, dignified and impartial manner, in which he has discharged the duties of the Chair, during the present session.

Which being read, the question was put by the Clerk: "Will the Senate adopt this resolution?" And the same was unanimously adopted accordingly.

Thereupon the Speaker delivered an appropriate address to the Senate, and adjourned the same without day.

BARTLETT YANCY, *Speaker of the Senate.*

By order,

B. H. COVINGTON, *Clerk of the Senate.*

**JOURNAL OF THE HOUSE OF COMMONS.**



# JOURNAL OF THE HOUSE OF COMMONS.

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At a General Assembly, begun and held in the City of RALEIGH, on Monday, the seventeenth day of November, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the INDEPENDENCE OF THE UNITED STATES OF AMERICA: It being the first Session of this General Assembly :

The Returning Officers of the several Counties, certified that the following persons were duly elected to represent said Counties in the House of Commons, to wit :

Anson County,	Joseph White, Jas. Gordon	Martin County	L. Cherry, Gab'l L. Stewart
Ashe,	A. B. M'Millan, J. Weaver.	Mecklenburg,	Th. G. Polk, Matthew Bain
Beaufort,	W Ormond, T W Blackledge	Montgomery	Hardy Morgan, John Dargan
Bertie,	James G. Mhoon, <i>Bryan</i>	Moore,	Gid. Seawell, Angus Martin
Bladen,	Robert Melvin, Wm. Davis	Nash,	Ach'd Lamon, Th. N. Mann
Brunswick,	Alfred Moore, J. W. Leonard	New-Hanover,	Stokely Sidbury, <i>Stokely</i>
Buncombe,	James Lowrie, Jas Whitaker	Northampton,	Roderick B. Garey, <i>Wilkes</i>
Burke,	William Roane, Brice Collins	Onslow,	L. T. Oliver, Eli W. Ward
Cabarrus,	Wm M'Lean, Chr' Melchor	Orange,	Jas. Mebane, John M'Auley
Camden,	W. B. Webster, Tho. Tillett	Pasquotank,	Carter Barnard, Tho's. Bell
Carteret,	Isaac Hellen, Edward H. Bell	Perquimons,	Theo. Barrow, M. Elliott
Caswell,	Bedford Brown, Jas. Rainey	Person,	J.G. A. Williamson, T. Webb
Chatham,	Wm Underwood, A. Ramsey	Pitt,	J. Cherry, Wilkes Brookes
Chowan,	Joshua Mewborn, <i>W. M.</i>	Randolph,	Ab'm Brower, Geo. Hoover
Columbus,	J. H. White, Caleb Stephens	Richmond,	John Cole, Tryam M'Farland
Craven,	Jno. M. Bryan, S. Whitehurst	Robeson,	Jacob Alford, Shad. Howell
Cumberland,	Neil M'Neill, Sam'l. P. Ashe	Rockingham,	Edw'd T. Brodnax, R. Martin
Currituck,	W. D. Barnard, John Forbes	Rowan,	Chas. Fisher, John Clement
Davidson,	J. Hargrave, W. Bodenhamer	Rutherford,	John Carson, James Graham
Duplin,	St. Miller, Wm K. Frederick	Sampson,	John Sellers, D. Underwood
Edgcombe,	Wm. Wilkins, Moses Baker	Stokes,	Aug. H. Shepherd, Jo. Flynt
Franklin,	Lark Fox, Guilford Lewis	Surry,	T. B. Wright, E. Thompson
Gates,	Wm W. Stedman, J. Walton	Tyrrell,	Enoch Hassel, Eph'n. Mann
Granville,	Rob't Jeter, Wm T. Bowers	Wake,	Jas. F. Taylor, S. Whitaker
Greene,	R. G. Bright, Chs. Edwards	Warren,	Daniel Turner, <i>Jones</i>
Guilford,	Sam'l Hunter, David Worth	Washington,	T. H. Walker, S. Davenport
Halifax,	Willis Alston, Rob't A. Jones	Wayne,	J. Hastings, Stephen Smith
Haywood,	Jas. R. Love, N. Edmonson	Wilkes,	Nath'l Gordon, Wm Horton
Hertford,	James Copeland, John Vann	Town of Halifax,	Jesse A. Bynum.
Hyde,	Littlejohn Pugh, W. Watson	Edenton,	<i>Strode</i>
Johnston,	Rob't H. Helme, H. Wilder	Fayetteville,	Robert Strange.
Jones,	R. M'Daniel, Em'l. Jarman,	Hillsborough,	Thomas Clancy.
Iredell,	James Hill, Asa Beall.	Newbern,	<i>Strode</i>
Lenoir,	Isaac Croom, W. Kilpatrick	Salisbury,	John Henderson.
Lincoln,	O. W. Holland, Dan. Conrad	Wilmington,	M. W. Campbell.

In pursuance of the foregoing Certificates, the following members appeared, were qualified, and took their seats, to-wit: Alfred Moore, Wm Roane, James G. Mhoon, Wilson B. Webster, James Gordon, Jacob W. Leonard, Robert Melvin, James Rainey, John Forbes, Joseph White, Willoughby D. Barnard, Thomas Tillett, Wyriott Ormond, Tho's W. Blackledge, Brice Collins, John M. Bryan, Sam'l Whitehurst, Joshua Weaver, James Whitaker, James Lowrie, Wm. Davis, Bedford Brown, Edward H. Bell, Alexander B. M'Millan, Littlejohn Pugh, James R. Love, Ninian Edmondson, Wm Wilkins, John Walton, Wm Underwood, Wm G. Bowers, Ambrose K. Ramsey, Joshua Mewborn, David Worth, Wm W. Stedman, Richard G. Bright, Neil M'Neill, Jesse Hargrave, Wm Bodenhamer, Christopher Melchor, John H. White, Caleb Stephens, Wm Watson, Lark Fox, Robert A. Jones, Guilford Lewis, James Copeland, Samuel P. Ashe, Wm M'Lean, Willis Alston, Charles Edwards, Samuel Hunter, John Vann, Moses Baker, Stephen Miller, jr. Thomas G. Polk, John Dargan, Eli W. Ward, John G. A. Williamson, Gabriel L. Stewart, James L. Hill, Thomas Webb, Hardy Morgan, Roderick B. Gary, John M'Auley, Gideon Seawell, Lewis T. Oliver, Angus Martin, Matthew Bain, John Cherry, Robert Jeter, Thomas Bell, Carter Barnard, James Mebane, Oliver W. Holland, Lawrence Cherry, Emanuel Jarman, Wm. B. Kilpatrick, Wilkes Brookes, Risdom M'Daniel, Stokely Sidbury, Asa Beall, Isaac Croom, Thomas N. Mann, Archibald Lamon, Robert H. Helme, Charles Fisher, Augustin H. Shepherd, James Graham, George Hoover, Jacob Alford, John Sellers, Stephen Smith, Robert Martin, John Cole, Tryam M'Farland, John Carson, Shadrack Howell, Joseph M. Flynt, Edward T. Brodnax, David Underwood, Robert Strange, Enoch Hassell, John Clement, Montesquieu W. Campbell, Jesse A. Bynum, James F. Taylor, Miles Elliott, Theophilus Barrow, Ephraim Mann, Samuel Lavenport, Nathaniel Gordon, John L. Henderson, Thomas W. Wright, Wm Horton, Elijah Thompson, Joshua Hastings, Abraham Brower, Daniel Turner, Thomas Clancy, Samuel Whitaker, Isaac Hellen, Taylor H. Walker, Wm K. Frederick, Hilary Wilder, Daniel Conrad.

A quorum, consisting of a majority of the whole of the members, being present, Mr. Blackledge moved that Robert Strange, the member representing the town of Fayetteville, be appointed Speaker, and Mr. Ward moved that the name of Alfred Moore, one of the members of Brunswick county, be added to the nomination: whereupon, the House proceeded to elect a Speaker by ballot; and on counting the ballots, a majority of the whole number was found to be in favor of Alfred Moore, who was conducted to the Chair by Mr. Fisher, from whence he made his acknowledgements to the House.

On motion of Mr. Mebane, Pleasant Henderson was appointed Clerk, and William B. Lockhart Assistant Clerk; and, on the fur-

ther motion of Mr. Mebane, John Lumsden and Richard Roberts, Door-Keepers.

The House then adjourned until to-morrow morning, 10 o'clock.

*Tuesday, November 18, 1823.*

On motion of Mr. Alston, ordered that a writ of election issue to the Sheriff of Chowan county, commanding him to hold an election in said county, on the 27th and 28th days of the present month, to elect a member to supply the vacancy occasioned by the death of James Skinner.

Lewis P. Williamson, one of the members of Northampton county, appeared, produced his certificate, was qualified and took his seat.

A message from the Senate, by their Clerk Assistant, informing that the Senate is organised and ready to proceed to the dispatch of public business; having appointed the Honorable Bartlett Yancy, Speaker; Benjamin H. Covington, Clerk; and James W. Clark, Clerk Assistant; Thomas B. Wheeler and Robert Ray, Door-Keepers.

On motion of Mr. Alston, ordered that a message be sent to the Senate, informing of the readiness of this House to join in the dispatch of business; and proposing a joint committee, to wait on His Excellency the Governor, and to inform him of the readiness of the two Houses to receive such communications as he may please to make to them. Mr. Alston, Mr. Leonard and Mr. Baker form this committee.

On motion of Mr. Brown, *ordered*, that Mr. Brown, Mr. Mebane and Mr. Brodnax form a committee to prepare and report Rules of Order for the government of this House; and in the interim, the Rules of Order at the last session be observed.

On motion of Mr. Fisher, *ordered*, that a message be sent to the Senate, proposing to appoint a joint select committee to prepare and report Rules of Order for the government of the two Houses; and informing that Mr. Fisher, Mr. Thomas N. Mann, and Mr. Strange form the committee on the part of this House.

A message from the Senate, by their Clerk Assistant, informing that they had appointed a committee to join the committee appointed by this House, consisting of Messrs. Love, Green and Baker, to wait on his Excellency the Governor, and to inform of the readiness of the two Houses to receive such communications as he may think proper to make to them.

On motion of Mr. Mebane, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks; and informing that Thomas T. Armstrong, Charles G. Rose, Isaac Newberry, Samuel F. Patterson, David Mock, John Vanhook, David Tate, jr. Joshua E. Lumsden, Joseph Ramsey, Charles Hunter, Thomas Hearn, Benjamin Rounsville, Thomas G. Stone, George

Mordecai, William M. White, Donald R. M'Leod, James Campbell, and John C. Ehringhaus are in nomination for the appointments.

A message from the Senate, consenting to ballot immediately for threee Engrossing Clerks ; and informing that Messes. Wall and Outlaw form a committee to superintend the balloting on their part.

On motion, *ordered*, that a message be sent to the Senate, informing that Messrs. Ward and Williamson form a committee on the part of this House, to superintend the balloting for the Engrossing Clerks.

Mr. Alston, from the joint committee appointed to wait on His Excellency the Governor, and to inform of the readiness of the two Houses to receive such communications as he may think proper to make to them, reported, that the committee had performed that duty ; and that the Governor would make a communication in writing at 12 o'clock, to-morrow.

A message from the Senate, by their Clerk Assistant, consenting to appoint a joint select committee, to prepare Joint Rules for the government of the two Houses, and informing that Messrs. Cameron, Seawell and Hatch form the committee on their part.

Mr. Williamson, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported, that the committee had performed the duty assigned them, and that on counting the ballots, it appeared Samuel F. Patterson had a majority of the whole number, and was duly elected. The question to concur with the report was determined in the affirmative.

The House then adjourned until to-morrow morning, 10 o'clock.

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*Wednesday, November 19, 1823.*

Simon A. Bryan, one of the members of Bertie county, and Joseph A. Hill, one of the members of New-Hanover county, appeared, were qualified and took their seats.

A message from the Senate, by their Clerk Assistant, proposing to ballot immediately for two Engrossing Clerks, which was read and agreed to, and the Senate informed thereof by message, and that Mr. Clancy and Mr. Sellers, form a committee on the part of this House, to superintend the balloting, and further, that the name of Charles G. Rose is withdrawn from the nomination.

The resignations of John Day, Colonel Commandant of the Person regiment of militia, James H. Harris, of Granville county, William Hill, of Carteret county, Samuel Johnson, of Wilkes county, Elisha Sellers and John Gore of Columbus, Justices of the Peace, were read and accepted.

A message from the Senate, informing that Mr. Sumner and Mr. Hatch, attend this House as a committee on their part, to conduct the balloting for two engrossing Clerks.

The resignations of J. Taylor, of Nash county, D. Palmer, of

Montgomery, Wm. Weathers, of Granville county, and Andrew Duke, of Currituck county, Justices of the Peace, were read and accepted.

Mr. Sellers, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed the duty assigned them, and that on examining the ballots, it appeared that no one in nomination had a majority of the whole number.

The question to concur with the report was determined in the affirmative.

A message from the Senate, by the Clerk Assistant, proposing to ballot immediately for the two Engrossing Clerks yet to be elected, and informing that the name of David Mock, is withdrawn from the nomination. The message was concurred in, and a committee consisting of Mr. Jones and Mr. Campbell, appointed to wait on the Senate on the part of this House, to conduct the balloting, and to inform that the names of Thomas Hearne and George Mordecai are withdrawn from the nomination.

A message from the Senate, informing that Mr. Graves and Mr. Hawkins attend this House, as a committee on their part, to superintend the balloting for two Engrossing Clerks.

Received from His Excellency the Governor, by his private Secretary Mr. Hardin, the following communication:

RALEIGH, N. C. Nov. 19, 1823.

*To the Honourable the General Assembly of the State of North-Carolina.*

GENTLEMEN—The occurrences since the adjournment of the last session of the General Assembly, have been such as usually grow out of circumstances natural, or common to the regulations of the State. The progress of our Internal Improvements, will perhaps be found as great as funds and circumstances would allow. The misapplication and waste of means have heretofore retarded the great work of improvement, involved us in difficulties, and produced a depression of public spirit, from which we have not yet recovered; and but for the wisdom of the last Legislature, in commencing a new plan, by beginning at the mouths of our rivers, and proceeding gradually and effectually upwards, the people would have sunk into a state of indifference, to say the least, from which it would have required many years to rouse them to renewed interest and confidence. The appropriation made by the last Legislature, for the purpose of deepening the Flats in the Cape-Fear, below Wilmington, has, so far as I can learn, excited a confidence and zeal highly favourable to the cause of Internal Improvements, and the success which has already resulted from the embankment which has been erected at the upper Flats or Bulkhead, has fully realized the expectations of all acquainted with the topography of that part of the river. It has been satisfactorily ascertained, that at least twelve inches of water have been gained since the completion of that embankment, although that is only a part of the work contemplated to be done at that place. From the success which has thus far attended these works,

we may confidently expect that when the whole shall have been finished, the expectations of the public will be speedily realised in the effect which it will produce on our commerce. Should this improvement in the navigation of the river, from the Bar to Wilmington, admit vessels over the Flats carrying double the burden of those that could formerly pass, it is not extravagant to calculate that double the tonnage, per annum, will, in a few years hence, enter that port, that has done heretofore; and consequently, that there will be an increased demand, in the same ratio, for the produce of our citizens. It is easy to see what a great increase of individual and state wealth this must lead to. A contract for constructing these works was effected by the State Engineer for fifteen thousand dollars, (five thousand less than the sum appropriated,) and it is satisfactory to learn, that the whole can be completed for that sum. I will indulge the hope that the system which has been thus commenced, will be continued in a progress commensurate with the means of the State. The opening of Roanoke Inlet is an object of the highest importance, when we consider its relation to the trade of the Roanoke River and its tributaries. Nothing would contribute more to raise the standing, and increase the wealth and prosperity of the State; and if it be practicable and within our means, North-Carolina ought never to relinquish it. The Roanoke Navigation Company have, at length, extended the Canal at the Great Falls to Weldon's Orchard. From the Orchard to the River below, there is a portage. I respectfully recommend to your consideration, whether it would not be expedient for North-Carolina to carry the canal to the river, either by subscribing for the unappropriated shares in that company, or by such other means as your wisdom may dictate. It is worthy of the enquiry of the Legislature to ascertain whether there are not other obstructions at or near the mouths of our rivers, the removal of which would cause a similar effect on our trade with that contemplated by the opening of the Cape-Fear, below Wilmington.

Our Public Roads should claim your serious consideration. A vast majority of the farming community are compelled, from their location, to go to market by roads. They are not interested immediately in the clearing of our rivers, except (as in the case of the Cape-Fear below Wilmington) it is to have a general effect on the trade of the State. Our roads are bad, except where nature has made them good; and in some parts of the country, it is very difficult for the farmer to carry his produce to market. From the attention which has been paid to the navigation of our rivers, the people living remote from them have a right to expect a correspondent spirit in regard to roads, and the uniform devotion of their representatives to their interests and wishes, is a pledge that they will not be disappointed. The present system of repairing roads, which has existed for a long time, is very defective, both as to its unequal operation on the people, and the temporary, unsubstantial repairs that are generally made, which seldom last longer than the fall of a heavy rain. Should the Legislature deem it expedient to open new roads, a different mode must be adopted of keeping them in repair: and it would be well to make an experiment at once, as the present method is so obviously inefficient and unequal in its operation. Should you think it advisable to do so, it is with you to devise the mode.

The liberal aid proffered by the last Legislature to such agricultural so-

cieties as were, or might be formed in different parts of the State, has, it is hoped, produced the dawn of a new era in the improvement of our agriculture. It is encouraging to learn, that in many counties societies have been instituted; but it is a strong proof of the difficulty of correcting long established habits and methods of culture, that many counties have not availed themselves of the proffered encouragement, and is the best argument that can be offered for the continuance of Legislative patronage. Such is the rooted strength of old customs and modes of farming, particularly amongst us, that we must expect improvement to be gradual; and should Legislative wisdom deem it expedient to keep the subject alive for some years, we shall, I think, witness a gradual march in improvement. Were each successive Legislature to throw in its *mite* only, in the way that it may deem most expedient, it would doubtless be productive of great good. The American Farmer, an invaluable agricultural paper, published in Baltimore, by Mr. J. S. Skinner, has spread a great deal of useful information among our planters, and has done much good. If the Legislature would present each agricultural society in the State with a few copies of this work, it would be of great service to them in their meetings, and at other times when they might wish to examine them. I trust it will not be deemed chimerical to recommend the purchase of a small farm near our University, to be put under the care of a scientific and practical farmer, who should, besides a small salary, given as an additional inducement for one qualified to offer, be allowed the produce of the farm, which should be cultivated in the highest order. On this farm experiments should be made under the direction of the Professor of Chemistry, in manuring, as to kind, quality, and manner of applying, and in the various methods of cultivating different articles of common growth, and such as might be deemed important to introduce from abroad. The person having charge of the Farm should understand the mechanism and use of the most improved implements of husbandry, and also be well informed in the different departments of domestic economy. It is unnecessary to be more minute, as my design is only to sketch an outline of the plan, which some reflection has suggested to my mind. Let the students of the University, of the two higher classes, accompanied by the Professor of Chemistry, visit this little farm at such times as might be fixed upon by the Faculty of the University, and there see and learn the usefulness and beauty of husbandry. What a stock of useful knowledge would this enable our young men to carry with them into the bosom of society! The utility and practicability of this plan derives much support from the assurance which we may feel, that the able and indefatigable Faculty of our University, would cheerfully co-operate in the attainment of the important objects in view.

The last General Assembly distinguished itself by the passage of the law abolishing imprisonment for debt. Should that humane law be permitted to remain in force, few years experience will demonstrate that it will not operate any inconvenience to the community, but will curtail the extension of credit, and the numerous lawsuits consequent thereon. Our country will no longer present the odious spectacle of public prisons filled with the *unfortunate*, many of them to gratify an unhallowed feeling of revenge in a creditor, and the people will be drawn from ruinous speculations and injudicious credit, to habits of industry and economy. I sin-

cerely hope that this relic of barbarity—this stain upon free institutions—is now blotted from our code forever; and that the unfortunate, who should rather claim our compassion and charity, shall no longer be torn from helpless families, and confined with criminals in loathsome prisons. Our criminal code appears to me to require amendment. It was recommended to the Legislature by my worthy and lamented predecessor, a few sessions past, to strike from the law respecting perjury, the punishment of cropping. With the advance of civilization under our free and enlightened government, it is certainly proper that we should, from time to time, examine our laws and adapt them to the moral condition of the people. A law that suited men one hundred years ago, would not suit them now; and in the lapse of a century from this time, our posterity will no doubt be astonished to find our code marred with this barbarous punishment; when they shall have adopted one, equally calculated to answer the end of the law, whilst the door of reformation is not closed on its unhappy victim. But what can induce a man degraded and depraved, to amend his life with a mark of infamy *on his head*, that must follow him wherever he goes, and exclude him forever from society? The punishment of crimes is intended to deter persons from the commission of them; but every wise law will certainly aim at a reformation of the person punished, or at least will not prevent it. It is submitted to your wisdom, whether the punishment for counterfeiting would not be a sufficient penalty to the perjury law, excluding the whipping, and retaining the disqualification to give evidence. I would further recommend to your serious deliberation, whether it would not be expedient to abolish entirely, the punishment of whipping; and whether the punishment of theft, under any circumstances, should be equal to that of murder.

Since my appointment to the Executive, I have witnessed with much concern, the frequency of imprisonment for common offences of assault and battery. I am certainly an enemy to a loose and inefficient police; but I cannot conceive that the power vested in our Courts, of imprisoning *in every case* of assault and battery, is at all necessary for the security of the peace and good order of society. Shall we throw a fellow-citizen, possessing all the honest and honourable feelings of our nature, into a dungeon with persons charged with, or convicted of, ignominious crimes? I respectfully suggest to your honourable body, whether it would not be expedient to abolish imprisonment for this offence, except where there clearly appears to be an intention to kill, or the person offending is unable to pay a fine, or the assault is made on a woman.

I have received from the purchasers of the Cherokee lands, complaints of a very serious nature against the Indians, who pretend to be entitled to a reservation of six hundred and forty acres of land each, reserved to them by the treaty of 1817 and '19. For the protection of those honest citizens, who purchased on the credit of the State, and the insurance of better sales of the land unsold, than the last sales made by our Agent declare, I would recommend this subject to your mature deliberation. I have in my possession, letters and papers that will throw much light on the subject, which shall be laid before you in good time.

Accompanying this communication, are the resignations of such Justices of the Peace, and Field-Officers of the militia, as have been received du-

ring the recess ; together with my Letter Book, and such letters and documents as are proper to be laid before you.

With the highest respect and consideration, I have the honor to be, gentlemen, your obedient servant,

GABRIEL HOLMES.

On motion, *ordered*, that the foregoing message be sent to the Senate, with a message that it be printed, one copy for each member of the Assembly.

Mr. Brown, from the committee appointed to prepare Rules of Order for the government of the House, made the following report, which was read, concurred with, and ordered to be printed, one copy for each member of the House, to-wit :

I. The Speaker shall take the Chair every day, at the hour at which the House shall have adjourned, and shall immediately call the members to order ; and on the appearance of a quorum, shall cause the journal of the preceding day to be read. He shall preserve order and decorum, and questions of order shall be decided by the Speaker without debate, except on an appeal from his decision ; in which case the Speaker may deliver his opinion in preference to any other member, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. He shall rise to put a question, but shall state it sitting. Questions shall be distinctly put in this form, to-wit : As many as are of opinion that (as the question may be) say Aye : and after the affirmative voice is expressed, as many as are of the contrary opinion, say No. If the Speaker doubt, or a division be called for, the House shall divide : those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, he shall name two members, one from each side, who shall tell the members in the affirmative, and report their number ; after which they shall tell the members in the negative, and report their number ; upon which the Speaker shall rise and state the decision to the House.

II. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the whole, shall have power to order the same to be cleared.

III. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal ; and in case of such equal division, the question shall be lost.

IV. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

V. If any member, in speaking, or otherwise, shall transgress the rules of the House, the Speaker shall, or any one member may, call him to order ; in which case the member so called to order, shall

immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

VI. When two or more members rise at the same time, the Speaker shall name the member to speak.

VII. No member shall speak more than twice on the same question without leave of the House.

VIII. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, or walk out, or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.

IX. No member shall vote on any question, unless within the bar of the House when the same was put.

X. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

XI. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and no member shall be admitted to enter his yea or nay unless he be within the bar of the House when called; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

XII. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read by the Clerk before debated.

XIII. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

XIV. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

XV. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged.

XVI. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

XVII. Any member may call for a division of the question when the same will admit of it, which shall be determined by the Speaker.

XVIII. A motion for postponement or commitment, until it is decided, shall preclude all amendments of the main question.

XIX. Every bill shall be introduced by a motion for leave, or by an order of the House.

**XX.** Every bill shall receive three several readings in the House previous to its passage ; but no public bill shall be twice read on the same day, without special order of the House.

**XXI.** No member shall, on motion, be at liberty to withdraw a public bill for amendment ; but on suggestion made, that a public bill ought to be amended, it may, on motion, be committed ; and every public bill, on motion made and seconded upon its second reading, shall be referred to a committee of the whole House.

**XXII.** A bill once rejected, another on the same subject shall not be brought in again this session ; but when a question has been determined either in the affirmative or negative, it shall be in order once only for any member in the majority to move the reconsideration thereof.

**XXIII.** When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

**XXIV.** The unfinished business in which the House was last engaged at the time of their adjournment, shall have the preference in the order of the day ; and no motion or other business shall be received without leave of the House.

**XXV.** The order of the day shall not be postponed to take up any other business, without leave of the House.

**XXVI.** No member shall be called upon for words of heat spoken in the House, but on the day on which they were spoken ; and decency of speech shall be observed, and personal reflections carefully avoided.

**XXVII.** Any twenty members (including the Speaker) shall be authorised to compel the attendance of absent members.

**XXVIII.** No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

**XXIX.** Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

**XXX.** In the nomination of committees, no member shall nominate more than one person to be of a committee.

**XXXI.** Select committees shall consist of five members ; and it shall be the duty of the Speaker to name the members who shall compose the committee, except otherwise ordered by the House. The first person named shall be Chairman of the committee, and it shall be his duty to cause the members thereof to be convened when necessary.

**XXXII.** In forming the committee of the whole House, the Speaker shall appoint a Chairman, and leave the Chair.

**XXXIII.** The rules of proceeding in the House shall be observed in the committee of the whole, so far as they are applicable, except in limiting the times of speaking.

**XXXIV.** Whenever the Speaker, from fatigue or other causes, shall have occasion to leave the Chair, he shall name a member who shall discharge the duty thereof during his retirement.

**XXXV.** The Clerk of the House shall be deemed to continue in office until another is appointed.

**XXXVI.** No standing order shall be rescinded without one day's notice given of the motion thereof.

**XXXVII.** When a bill is introduced to repeal a public law, or any part thereof, the law or part intended to be repealed, shall be read at each separate reading of the bill.

**XXXVIII.** Six standing committees shall be appointed at the commencement of the session, to-wit: a Committee of Claims, a Committee of Propositions and Grievances, a Committee of Education, a Committee of Agriculture, a Committee of Internal Improvement, and a Committee of Privileges and Elections.

Mr. Fisher, from the joint-committee appointed to report Rules for the government of both Houses, delivered in the following Report, to-wit:

**I.** Each House shall perfect and finally act on all bills, resolutions, and orders, before the same shall be communicated to the other for its concurrence, and if amended in the House to which it is transmitted, it shall be communicated to the House in which it originated, asking the concurrence of that House in the amendment.

**II.** In any case of amendment of a bill or resolution, agreed to in one House, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer; such committee shall consist of an equal number of members of each House, and shall, at a convenient time and place to be agreed on, meet and state to each other, the reasons of their respective Houses, for and against the amendment, and confer freely thereon, and make a report in writing, to their respective Houses, of the result of their conference.

**III.** Messages from one House to the other, shall be sent by the Clerk Assistant of each House, unless otherwise ordered.

**IV.** When a message shall be sent from one House to the other, it shall be announced at the door of the House to which it is sent by the Door-keeper, and shall be respectfully delivered to the Chair, by the person by whom it may be sent.

**V.** After a bill shall have passed the House in which it shall have originated, it shall be under the signature of the Clerk, and engrossed under his direction and inspection, before it shall be communicated to the other House.

**VI.** After a bill shall have passed both Houses, it shall be duly enrolled on suitable paper, by the Engrossing Clerks, before it shall be presented for ratification.

**VII.** When bills are enrolled, they shall be carefully examined by a joint committee of two from the Senate, and four from the House of Commons, appointed as a committee for that purpose, whose duty it shall be, carefully to compare the enrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, and make their report of the said bills, to the House.

**VIII.** After examination and report, each bill shall be ratified and signed in the respective Houses; first by the Speaker of the House of Commons, and then by the Speaker of the Senate.

**IX.** All orders, resolutions, and votes, of the two Houses, shall be examined, engrossed, and signed, in the same manner as bills.

**X.** When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

**XI.** The committee in each House, shall, in all cases make a statement of facts on which their report is founded, which statement, with all other papers on which any bill or resolution shall be formed, shall be transmitted to the other House.

**XII.** The committee of Finance shall be joint, consisting of eight members of each House, one to be selected from each of the former Judicial districts.

**XIII.** Whenever either House shall order any paper or document to be printed, it shall be printed in octavo form, on good paper, and with fair type, and shall be distributed in the following manner: one copy thereof to each Member of the General Assembly; one copy to the Clerk of each House, for the use thereof, and ten copies shall be deposited in the Public Library.

The question to concur with the Report, was determined in the affirmative; and on motion, the report ordered to be sent to the Senate for concurrence, and to be printed for the use of the members.

The House then adjourned until to-morrow morning, 10 o'clock.

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*Thursday, November 20, 1823.*

John Stanly, the member from the town of Newbern, appeared, was qualified, and took his seat.

Mr. Campbell, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty, and that on examining the ballots, it appeared no one in nomination had a majority of the whole number.

The question to concur with the report was determined in the affirmative.

Mr. Alston presented the following resolution:

*Resolved*, that a select committee be appointed to enquire into the state and condition of the several incorporated banks of this state, whether their notes are at this time redeemed agreeably to their charter with specie, and if not, to ascertain when the said banks will be ready to resume specie payments; and in the event of a failure on the

part of the banks, to apply the proper corrective, that the said committee have power to examine on oath the officers of the several banks, and to require that their returns and statements be made on oath.

**Mr. Alston** presented the following resolution :

*Resolved*, that the Public Treasurer lay before this House, a statement of the amount of the capital stock of the several banks of this state, and of the debts due to the same, of the monies deposited therin, of the notes in circulation, and of the cash on hand.

**On motion, ordered**, that the said resolutions lie on the table.

**On motion, ordered**, that a message be sent to the Senate proposing to ballot immediately for two Engrossing Clerks, and informing that Mr. Turner and Mr. Hill wait on the Senate as a committee to superintend the balloting on the part of this House.

A message from the Senate, consenting to ballot immediately for two Engrossing Clerks, and informing that Mr. Hawkins and Mr. Outlaw form a committee to superintend the balloting on their part.

The resignations of Kerr Montgomery, Lieutenant Colonel of the militia of Hertford county; Hyder A. Rogers, Samuel Welch, Henry Carter, and Wm Ward, of Stokes county, and Thomas A. Word, of Surry county, Justices of the Peace, were read and accepted.

Mr. Turner, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed that duty, and that on counting the ballots, no one in nomination had a majority of the whole number.

The question to concur with the report was determined in the affirmative.

A message from the Senate, by their Clerk Assistant, proposing to ballot immediately for the Engrossing Clerks yet to be elected.

The message was concurred in, and a committee appointed, consisting of Messrs. Wilkins and Webb, to wait on the Senate to conduct the balloting; and to inform that body that the names of Isaac Newberry, John Vanhook, Wm M. White, Joseph Ramsey, and Charles Hunter, are withdrawn from the nomination.

A message from the Senate, informing that Mr. Hill and Mr. Pearsall attend this House, as a committee on their part, to conduct the balloting for two Engrossing Clerks.

**On motion of Mr. Mehane,**

*Resolved*, that standing committees of Propositions and Grievances—Claims & Education—Agriculture—Internal Improvement—Privileges and Elections—Finance, and the Public Library be appointed; and

That Messrs. Love, Edmondson, Polk, M'Lean, M'Cauley, J. G. A. Williamson, R. A. Jones, L. Cherry, Copeland, Hassell, Croom, Blackledge, Leonard, Stephens, Ashe, and Alford, form the Committee of Propositions and Grievances; and

That Messrs. M'Millan, N. Gordon, Martin, Bain, Rainey, J. Whitaker, Turner, Gandy, Elliott, T. Bell, Helme, S. Smith, Miller, Ward, J. White, and A. Martin, form the Committee of Claims; and

That Messrs. Graham, S. Whitaker, Fisher, Flynt, Brown, Clancy, T. N. Mann, E. Mann, Wilkins, Barrow, Watson, Edwards, Frederick, Oliver, Seawell, and Cole, form the Committee of Education; and

That Messrs. Lowrie, Holland, Brower, Bodenhamer, Jeter, W. Underwood, Alston, Lewis, Mhoon, W. D. Barnard, M'Daniel, Bright, Davis, Campbell, M'Neill, and M'Farland, form the Committee on Agriculture; and

That Messrs. Conrad, Horton, Brodnax, Morgan, Mebane, Webb, L. P. Williamson, Baker, Davenport, Vann, Bryan, Hellen, J. A. Hill, Sidbury, Strange, and D. Underwood, form the Committee on Internal Improvements; and

That Messrs. Weaver, Wright, Dargan, Worth, Ramsey, Flowers, Bynum, Fox, Webster, Walker, Pugh, Whitehurst, J. H. White, Melvin, Sillers, and J. Gordon, form the Committee of Privileges and Elections; and

That Messrs. Carson, Shepherd, Taylor, Turner, S. A. Bryan, Stanly, Leonard, and Howell, form the Committee of Finance.

**On motion of Mr. Mebane,**

*Resolved*, that so much of the Governor's message as relates to the improvements of roads and rivers, be referred to the committee on Internal Improvements;

That so much of the said message as relates to Agriculture, be referred to the committee on that subject.

**On motion of Mr. Helme,**

*Resolved*, that a select committee be raised, to be styled the "Judiciary Committee," to consist of seven members, to whom shall be referred so much of the Governor's message as relates to the Penal Code of Laws, and that Messrs. Stanly, Graham, Polk, Shepherd, Strange, Campbell, and Turner, do form this committee.

**On motion of Mr. Wilkins,**

*Resolved*, that Messrs. Henderson, Helme, R. A. Jones, J. A. Hill, and J. G. A. Williamson, do form a special committee, to whom shall stand referred all bills at their second reading, for revision and correction.

**On motion of Mr. Fisher,**

*Resolved*, that a special committee of superintendance of Public Buildings and the expenditures of appropriations thereon, be raised, and that Messrs. Taylor, Clancy, M'Lean, Sellers, and R. Martin, do form this committee.

Mr. Alston presented the petition and remonstrance of Jesse Cooper, stating that the sitting member, Gabriel L. Stewart, from the county of Martin, is not legally entitled to his seat.

Mr. Dargan presented the petition of Wm Ferrell, of Montgomery county, stating that he had been convicted in the Superior Court of said county, of forgery.

Mr. Mebane presented the petition of David Blalock, of the county of Orange, stating that he had been charged and convicted of publishing a libel in the County Court of said county. These petitioners pray to be restored to the privileges forfeited by the convictions aforesaid.

*Ordered*, that the petitions be referred, the former to the committee of Privileges and Elections, and the two latter, to the committee of Propositions and Grievances.

The House then adjourned until to-morrow morning, 10 o'clock.

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*Friday, November 21, 1823.*

James Iredell, the member from the town of Edenton, appeared, was qualified, and took his seat.

Mr. Wilkins, from the committee appointed to conduct the balloting for two Engrossing Clerks, reported that the committee had performed the duty assigned them, and that it appeared on examining the ballots, Thomas T. Armstrong had a majority of the whole number, and was duly elected.

The question to concur with the Report was determined in the affirmative.

Mr. Martin presented the following resolution :

Whereas, many of the good people of this State, believing it essential to the future prosperity and happiness of themselves, and their posterity, to amend the Constitution thereof; and having, in the exercise of an unquestionable right, duly selected Delegates from their several counties, for the purpose of proposing amendments to the same, and the Delegates aforesaid having convened in Raleigh, agreeable to appointment, and in convention, did agree on sundry amendments thereto, for the consideration of their constituents: And whereas, this House believe it their bounden duty at all times, when fundamental principles become a question, to afford the free citizens of this State an opportunity of expressing and ascertaining their collective sentiments thereon: therefore,

*Resolved*, That a select committee be appointed, with special instructions to report a bill to this House, for the purpose of causing polls to be opened and held in each county in this State, at the usual times and places of holding elections for members of the next Legislature, for the purpose of ascertaining the sense of the people on the proposed Constitution, and to cause the returns thereof to be made to the next Legislature.

*Resolved further*, That thousand copies of the existing Constitution, and the Constitution as amended, be printed for the information of the citizens of this State.

*Ordered*, that the resolution lie on the table and be printed, one copy for each member.

A message from the Senate, proposing to ballot immediately for one Engrossing Clerk, and informing that the name of David Tate is withdrawn from the nomination.

The message was concurred in, and a committee consisting of Mr. Graham and Mr. Shepherd, appointed to wait on the Senate as superintendants of the balloting, and informing that Benjamin D. Rounsville, is withdrawn from the nomination.

A message from the Senate, informing that Mr. Hatch, of Wayne, and Mr. M'Dowell, attend this House as a committee on their part, to conduct the balloting for one Engrossing Clerk, yet to be elected.

The resolution presented by Mr. Alston, yesterday, instructing the Public Treasurer to lay before the House, a statement of the amount of the Capital Stock of the several Banks of this State, and of the debts due to the same, &c. was taken up and read, and on motion of Mr. Alston, withdrawn.

A message from the Senate, by their Clerk Assistant, proposing to ballot to-morrow morning for a Public Printer, for the ensuing year, and informing that Joseph Gales & Son, are in nomination for the appointment.

The message was disagreed to and ordered to lie on the table, and the Senate informed thereof by message.

Mr. Shepherd, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty, and that it appeared on an examination of the ballots, neither of the candidates in nomination had a majority of the whole number.

The question to concur with the report passed in the affirmative.

On motion, ordered that a message be sent to the Senate, proposing to ballot immediately for one Engrossing Clerk.

Mr. M'Lean presented the petition of Moses Kizer, of Montgomery county, praying to be annexed to the county of Cabarrus.

Ordered, that the petition be referred to the Committee of Propositions and Grievances.

A message from the Senate, consenting to ballot immediately for one Engrossing Clerk, and informing that Mr. Brittain and Mr. Pearsall, form a committee on their part to conduct the balloting, and that the name of James Campbell is withdrawn from the nomination.

On motion, ordered, that a message be sent to the Senate informing that Mr. Leonard and Mr. Smith, form a committee on the part of this House, to superintend the balloting for one Engrossing Clerk.

The resignations of John Crowal of Mecklenburg county, and Jesse M. Cherry of Pitt county, Justices of the Peace, were read and accepted.

Mr. Leonard, from the committee appointed to conduct the balloting for one Engrossing Clerk, reported that the committee had performed that duty, and that on counting the ballots, a majority of the whole number was in favour of John C. Ehringhaus, who was duly elected.

The question to concur with the report passed in the affirmative.

Mr. Worth, from the Committee of Privileges and Elections, to whom was referred the petition and remonstrance of Jesse Cooper, of Martin county, reported favourably to the sitting member, Gabriel L. Stewart, recommending that he retain his seat.

The question thereon was determined in the affirmative.

Received from His Excellency, the Governor, by his Private Secretary Mr. Harden, the following communication :

EXECUTIVE OFFICE, NORTH-CAROLINA, }  
November 21, 1823. }

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN—I herewith lay before your honorable body, a number of petitions from prisoners confined for capital offences in the jails of Wake and Franklin counties, praying for a Court of Oyer and Terminer for said counties. Whether the law of 1777, empowering the Governor and Council to cause said Courts to be held when they shall think it advisable, is deficient, inasmuch as it does not make any provision for the coercive attendance of clerks, sheriff's, or witnesses, I shall leave to your better understanding.

These petitions being presented to me but a short time previous to your session, I have thought proper to submit them to your wisdom.

I also submit to your honourable body, sundry important papers, touching the interest of titles to the Cherokee lands, ceded by them in treaty to the United States in 1817 and 1819.

I have the honor to be, gentlemen, your ob't servant,

GAB. HOLMES.

On motion of Mr. Mann, ordered, that so much of the message as relates to the petition of the prisoners, be referred to the Committee on the Judiciary, and that so much as relates to the titles to the Cherokee lands, to the standing committee on that subject, and that the message be sent to the Senate.

On motion,

*Resolved*, That Mr. Fisher, Mr. Thomas N. Mann, and Mr. Brodnax, do form the Committee on the Public Library.

On motion,

*Resolved*, That so much of the Governor's message as relates to the Indian reservation of lands, be referred to a select committee; and that Messrs. Mebane, Iredell, Carson, Croom and Brown do form this committee.

On motion of Mr. Mebane,

*Resolved*, That Mr. Gales be permitted to attend this House as stenographer.

The House then adjourned until to-morrow morning, 10 o'clock.

*Saturday, November 22, 1823.*

Mr. Ashe presented the petition of sundry inhabitants of the counties of Cumberland and Bladen, praying for the repeal of a law of the last session, directing the running of the divisional line between the counties, &c.

*Ordered*, that the petition lie on the table.

Mr. Davenport presented a bill to legitimate Emmery Beazor Williams, and for other purposes. The bill was read for its first reading; and, on motion of Mr. Stanly, was indefinitely postponed.

Mr. Strange presented the certificate of allowance of the County Court of Cumberland to Isabella Campbell, the widow of the late Capt. Jas. Campbell, of the continental line of this State, allowing her twenty pounds for the present year. The certificate was countersigned by the Speaker of this House, and sent to the Senate.

The resignations of Ninian Edmondson, Lieutenant-Colonel of the Haywood county militia; Andrew Campbell, Lieutenant-Colonel of the third regiment of militia of Burke county; Joseph Daniel, Major of the first battalion of the first regiment of the Edgcombe militia; and Jelson Berryman, Justice of the Peace for Rowan county, were presented, read and accepted.

Received from the Senate, the resignations of James Swindal, James Campbell and Aaron Lewis, sen'r, of Bladen county; John Grissell, of Brunswick county; and David Russell, of Haywood county. These resignations were read and accepted.

On motion of Mr. Turner,

*Resolved*, That all resolutions, the object of which is to draw money from the Public Treasury, be read three times in each House.

The resignation of J. Willie, Colonel Commandant of the Cabarrus regiment of militia, was presented, read and accepted.

The House proceeded to consider the resolution presented by Mr. Alston the day before yesterday, on the subject of the several Banks in this state, which being read, Mr. Alston moved to withdraw the resolution.

The question thereon was determined in the affirmative.

Mr. Alston thereupon presented the following resolution: which was sent to the Senate for concurrence.

*Resolved*, that a joint select committee be appointed to enquire into the state and condition of the several incorporated Banks in this state; whether their notes are at this time redeemed agreeably to their charter, with specie; and, if not, to ascertain when the said Banks will be ready to resume specie payments; and also to enquire whether the notes of said corporations, or any of them, have depreciated from their extrinsic value, and if they have so depreciated, to investigate and report the means, if any, of improving and sustaining the credit of said notes.

On motion of Mr. Stanly,

*Resolved*, that a joint select committee be appointed to enquire whether the Public Printing cannot be done with more economy than under the existing laws, either by special contracts, or otherwise; and that said committee report by bill or otherwise.—And that Messrs. Stanly, Strange, Blackledge, Mcbane, and Shepherd, form this committee.

Received from the Public Treasurer, John Haywood, the following Report:

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN.—By the laws of the State, it is made a part of my official duty to inform you that the *Receipts* at the Treasury of North-Carolina for the year commencing with the first day of November, 1822, and ending with the last day of October, 1823, including sundry payments of arrearages, and the public taxes of every other description which became due, and were paid at the Treasury of this State within that period, together with the dividends declared by our State Bank on the stock or shares held in it by North-Carolina; the purchase money or proceeds of the vacant and unappropriated lands lately entered, and paid for in the course of the time above mentioned; and the collection made from the bonds given by purchasers of the public lands near Raleigh, which were sold in 1820, amount to one hundred and fourteen thousand six hundred and thirteen dollars & seventy-four cents & one-sixth of a cent (\$114,613 74 1-6.)

To this sum, the balance remaining in the Treasury on the first day of November, 1822, and thereafter to be accounted for, as reported to the last General Assembly, being added, to-wit, one hundred and fourteen thousand four hundred and sixty-one dollars and ninety-nine cents, an aggregate amount of two hundred and twenty-nine thousand and seventy-five dollars 73 cents and one-sixth is formed (\$229,075 73 1-6.)

From this sum total, disbursements have been made within the time first above mentioned, including the Treasury Notes and other monies burnt, to amount of one hundred and nineteen thousand three hundred and fifty-two dollars fifty-one cents and one-third of a cent (\$119,352 51 1-3.) The vouchers for which have been handed over to the Comptroller, and are, of course, in readiness for the examination of the Committee of Finance.

This expenditure being deducted from the aggregate amount above mentioned, will be found to leave a balance of one hundred and nine thousand seven hundred and twenty-three dollars twenty one-cents and five-sixths of a cent, remaining in the Treasury of this State on the first day of November instant—say on the first day of November, 1823, and hereafter to be accounted for (\$109,723 21 5-6.) It may be proper, however, here to observe, that three thousand one hundred and eighty-seven dollars and eleven cents of this balance, being the proceeds of vacant lands entered and paid for, are appropriated by law for the promotion of agriculture, &c.; which being deducted, will leave one hundred and six thousand five hundred and thirty-six dollars and ten and five-sixths cents only, for the ordinary purposes and support of government.

In the printed statements, furnished by the Comptroller for the use of the members of the present General Assembly, the several items forming the reception and expenditure above mentioned, will be found, entered in their proper places, and under different heads.

The nett amount of the dividends declared by the President and Directors of the State Bank, upon the shares held in it by North-Carolina, including as well the dividend of December, 1822, as that of June, 1823, (after deducting the interest claimed and retained by that corporation, as due it under the provisions of the act of Assembly of 1811, on account of the unpaid for shares of the stock held therein by this State up to the first Monday of December last,) was eighteen thousand and nineteen dollars and seventy-six cents ; of which sum thirteen thousand seven hundred and sixty-two dollars and sixty-five cents were paid over to the Public Treasurer by the officers of that Bank, in money of the emissions of 1783 and 1785, and were thereupon burnt and destroyed, as the law directs : The remainder being four thousand two hundred and fifty-seven dollars and eleven cents, was had in notes of the Bank, there being, at that time, no more money of the emissions above mentioned, in the vaults of the Bank.

Of the sum of one hundred and nine thousand seven hundred and twenty-three dollars twenty-one and five-sixths cents above mentioned, as being the balance due and payable from the Public Treasurer to the State of North-Carolina, on the first day of the present month, viz: on the first day of Nov. 1823, fifty-three thousand seven hundred and thirty-eight dollars and eighty-three cents are deposited and stand at my credit, as Public Treasurer, in the State Bank of North-Carolina, at Raleigh—thirty-six thousand nine hundred and ninety-one dollars and twenty cents are deposited and stand at my credit, in like manner, in the Bank of Newbern, in Raleigh ; and seventeen thousand two hundred and eighty-nine dollars and thirty-six cents are deposited in like manner, and stand at my credit, as Public Treasurer, in the Bank of Cape-Fear, at Fayetteville : The remainder is in the public chest, and is kept there to be at hand and in readiness to meet the demands or expenditures of the day.

In the month of December last, John Patton, esq. the Commissioner appointed by Gov. Holmes, to superintend the selling, &c. of the lands belonging to this state, commonly called the Cherokee lands, paid into the Public Treasury, the sum of three thousand seven hundred and seventy-three dollars and fifteen and an half cents \$3,775 15 1-2,) being the nett proceeds of the sales made by him, and which had come into his hands in *cash*, as commissioner aforesaid ; which sum was forthwith, and agreeably to law, placed at the credit of the Board of Internal Improvements ; as has been likewise and since that period, in the course of the late fiscal year, the further sum of five thousand eight hundred and eighty-three dollars and forty-nine cents and three-quarters (\$5,883 49 3-4,) collected from purchasers at the sales made by Messrs. Franklin and Mebane, and Wellborn and Taliaferro.

Col. Patton, the commissioner above mentioned, at the same time handed over likewise at the Treasury, the bonds taken to secure the payment of the balance of the purchase money of the lands sold by him as aforesaid, amounting to twenty-eight thousand seven hundred and ten dollars and sixty-five cents (\$28,710 65;) the whole of which were placed on file, none of them having become due or payable, until very lately.

The Public Treasurer has rendered to the Board of Internal Improvements an account of his *Receipts* and *Expenditures* from the 1st of November, 1822, to the 1st of Nov. 1823, embracing the sums above mentioned, together with all other monies received by him, which are subject to its drafts or disposal ; which shews or leaves in his hands yet to be accounted for, the sum of seventeen thousand three hundred and sixty-one dollars thirty-eight and an half cents (\$17,361 38 1-2.)

From the statement which commences this report, it will be seen, that the expenditures or disbursements at the Treasury for the last year, including the money burnt, exceeded the balance which remained in the Public Treasury on the 1st day of November, 1822, by several Thousand Dollars : It is believed however, that in course of the present fiscal year, the *Dividends* which will probably be declared by the State Bank on the Stock held in it by this State, being well nigh disengaged and released from the redemption of the old paper money, will so materially add to the balance remaining in the Public Treasury on the first day of November inst. already and above

reported, as to render it fully and perhaps more than commensurate to the support of government.

Much and respectfully, gentlemen, your obedient servant,

JOHN HAYWOOD, Public Treasurer.

The Exposes or Statements of the affairs of the three several Banks of this State, required by a Resolution of the last Assembly, will be laid before the Legislature on Monday next.

J. H.

Raleigh, Nov. 22d, 1823.

On motion, *ordered*, that the report be referred to the Committee of Finance, and sent to the Senate.

The House then adjourned until Monday morning, 10 o'clock.

Monday, November 24, 1823.

On motion, *ordered*, that Mr. Seawell have leave of absence from the service of this House, until Thursday next.

Mr. Robert Hill Jones, one of the members of Warren county, appeared, produced his credentials, was qualified and took his seat.

Mr. Blackledge presented the petition of John G. Blount, praying that the Secretary of State be directed to issue to him duplicates on two military land warrants; the originals being lost. *Ordered*, that the petition be referred to Messrs. Blackledge, Graham, M'Lean, R. A. Jones and Carson.

Mr. Roane presented the petition of John Burgin, James Moore, and others, praying for the passage of a law specifying what penalty shall be incurred for the breach of that part of the constitution of this State which says "all persons shall be at liberty to exercise their own mode of worship." *Ordered*, that the petition be referred to the Judiciary Committee.

Mr. Flynt presented the petition of Sally Hampton, wife of James Hampton, of Stokes county, praying to have secured to her and her children, from the claim or disposal of her husband, such property as she may hereafter acquire.

Mr. Fisher presented the petition of Michal Rymer, of Rowan county; and

Mr. Iredell presented the petition of Thomas Small, of Chowan county, respectively praying to be restored to credit, &c.

*Ordered*, that the petitions be referred to the Committee of Propositions and Grievances.

Received from the Senate, a message, by their Clerk Assistant, informing that they had appointed a Committee of Finance to join the committee appointed by this House, on that subject, consisting of Messrs. Hatch, of Jones county, Bullock, Flowers, Marshall, Ward, Gray, Martin and Wellborn; also that they had appointed a Committee on the Public Library, consisting of Messrs. Forney, Bryan and Bullock.

On motion of Mr. Baker,

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending an act of the General Assembly, passed in the year 1808,

entitled "an act to amend an act, passed at the last session of the General Assembly, entitled an act to allow interest on judgments recovered in actions brought on contract, and to mitigate the severity of executions in such a way as to secure to the widows of persons dying intestate such portions of the property now exempt by law from execution as they may think proper ;" and that the said Committee have leave to report by bill or otherwise.

On motion of Mr Campbell,

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of altering the law of landlord and tenant, so as to provide a shorter and less expensive mode for dispossessing tenants who hold over, and to secure to the landlord his rent ; and that they report by bill or otherwise.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of Moses Kizer, of Montgomery county, praying to be annexed to the county of Cabarrus, reported, that the committee had had the said petition under consideration, and deem it inexpedient to grant the prayer of the petitioner, and recommend that it be rejected.

The question to concur with the report, was determined in the affirmative.

Mr. R. A. Jones presented the petition of Jarratt Weaver, of Halifax county, praying to be allowed the value of a runaway slave of his, who was killed in attempting to arrest him ; and

Mr. Webb presented the petition of Edward Owen, of Person county, praying to be restored to the privileges of a citizen, which were forfeited by a conviction against him for petit larceny in the Court of said county.

*Ordered*, that these petitions be referred, the former to the Committee of Claims, the latter to the Committee of Propositions and Grievances.

Mr. Martin, of Rockingham, presented a bill to repeal the fifth and sixth sections of an act, passed in the year 1820, entitled "an act to prevent the marriage of infant females."

Mr. Leonard presented a bill to repeal an act, passed in the year 1818, entitled "an act fixing on the sum hereafter to be paid to the State for vacant lands."

Mr. Hunter presented a bill to repeal in part the 4th section of an act, passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this State, relative to the artillery companies of light infantry, grenadiers and riflemen."

These bills were respectively read for their first readings ; and the question, shall the said bills pass ? was determined in the affirmative.

Mr. Stanly presented a bill to amend an act, entitled "an act regulating descents," passed in the year 1808. On motion of Mr. Stanly, *ordered*, that the bill be referred to the Committee on the Judiciary.

Mr. Roane presented a bill to repeal an act, passed in the year 1822, entitled "an act to alter the time of holding two of the Courts

of Pleas and Quarter Sessions for the county of Burke. The bill was read for its first reading ; and the question, shall the said bill pass? was determined in the affirmative.

The resignations of Samuel Davidson, Colonel Commandant of the 2d regiment of the militia of Buncombe county ; Jesse M'Cuis-ter, Major of the first regiment of militia of Guilford county ; and G. Hefner, Justice of the Peace for Buncombe county, were present-ed, read and accepted.

Received from the Senate, the resignations of Andrew Hudloe, Colonel Commandant of the first regiment of militia of Rutherford county ; William Orr, Lieutenant-Colonel of the first regiment of the Buncombe county militia ; and Jonathan Tipton, Justice of the Peace, were read and accepted.

A message from the Senate, by their Clerk Assistant, consenting to appoint a joint select committee to enquire whether the public printing cannot be done with more economy than under the existing laws ; and informing that Messrs. Cameron, Gray, Wellborn, Phi-fer and Burges form the committee on their part ; also consent-ing to appoint a select joint committee to enquire into the state and condition of the several incorporated Banks of this State ; and in-forming that Messrs. Seawell, Vanhook, Phifer, Scales, and Sneed form the committee on their part.

On motion, *ordered*, that Mr. Helme have leave of absence from this day, until Thursday next.

The resolution of this House, requiring all resolutions, the object of which is to draw money out of the Treasury, to be read three times, was returned from the Senate concurred with.

Mr. Mhoon presented a bill to incorporate the Trustees of the Bertie Union Academy.

The bill was read for its first reading, and the question, shall the said bill pass, was determined in the affirmative.

The certificate of allowance made to Leah Beaty, by the County Court of Mecklenburg, the widow of John Beaty, a wounded sol-dier of the war of the revolution, allowing her the sum of forty dol-lars for the present year, was, on motion, countersigned by the Speaker.

On motion,

*Resolved*, That Messrs. Alston, Fisher, Croom, Shepherd and Ashe, form the joint committee on the part of this House, to enquire into the state and condition of the several incorporated Banks in this State.

The Speaker laid before the House the following communication from John Haywood, Public Treasurer.

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN—In obedience to a resolution of the last General Assembly, I do my-self the honor herewith, to lay before you the statement or exposes of the affairs of the three several Banks of this State, four of which statements apply to the Banks of Cape-Fear and Newbern, and go to show the condition or situation of those cor-

porations, at the dates of the declarations of the two last dividends made by them respectively, viz : on the 31st day of December, 1822, and on the 30th of June 1823. They are half yearly, not quarterly statements, which would have been prepared could they be made up with equal accuracy and precision ; but from several hindering causes, such as the failure of the timely arrival of returns from the distant branches, &c. this was found to be difficult and inconvenient.

The fifth and remaining statement, or expose, relates to the State Bank exclusively, and shews its situation or condition up to the present day.

It will be recollect that the Banks first above mentioned declare their dividends on the 30th of June and 31st of Dec'r, in each and every year ; and that the State Bank makes its dividends on the first Mondays in June and December, in each year. Circumstances which will account for the half yearly expose, or statement of the affairs of the latter, being brought forward to, and ending at a later period than those of the former.

In regard to the Bank last mentioned, *one* statement only, was thought sufficient, inasmuch as that comes up to the present time, but if a statement or expose, for the six months immediately preceding the first Monday in June last, shall be considered as being likewise useful, it shall be prepared and forthwith furnished.

Much and respectfully, gentlemen, your ob't servant,

JOHN HAYWOOD, *Public Treasurer.*

Raleigh, November 24, 1823.

On motion, *ordered*, that the expose or statement, be referred to the select joint committee, appointed to enquire into the state and condition of the several Banks in the State, and be sent to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

Tuesday, November 25, 1823.

On motion of Mr. Wilkins,

*Resolved*, That a select committee be appointed to enquire into the expediency of amending the 9th and 10th sections of an act passed in the year 1813, entitled "an act to amend the militia laws of this State," in such a way as not to require the infliction of the several penalties contained in the 10th section of said act, for a failure to observe in every particular, the requisitions of the 9th section of said act ; and whether or not less penalties than those mentioned in the 10th section, would not answer a better purpose ; and that the said committee have leave to report by bill or otherwise.

*Resolved*, That Messrs. Wilkins, Sellers, Smith, Campbell and Painey, form this committee.

Mr. Roane presented the petition of Jacob Smith and others, citizens of Burke county, praying the obstructions to the passage of fish up Lower Creek, in said county, be removed by law ; Mr. Lamon presented the petition of Henry Williams, of Nash county, praying that the Treasurer be directed to pay to him the sum of ten dollars, which he had paid into the Treasury for a piece of land, &c. ; Mr. Fisher presented the petition of the heirs of Joseph Cunningham, late of Rowan county, stating that their ancestor purchased a tract of confiscated land from the Commissioner of confiscated property, and paid the purchase money ; a part of which has been evicted ; and praying for reimbursement.

*Ordered*, that these petitions be referred, the former to the Committee of Propositions and Grievances, the two latter to the Committee of Claims.

On motion of Mr. Fisher, *ordered*, that a message be sent to the Senate proposing to ballot to-morrow for a Major-General of the 4th division of the militia of this State, and informing that Brigadier-General George Lee Davidson and Michael M'Leary, are in nomination for the appointment.

Mr. Roane presented a bill incorporating the Morganton Academy, which was read the first time and passed.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of William Ferrell, made a report favourable to the prayer of the petitioner, recommending the passage of a bill concerning William Ferrell, of Montgomery county; the report being concurred in, the bill was read the first time and passed, and,

On motion, the said bill was read the second time, and on motion of Mr. Stanly, postponed indefinitely.

A message from the Senate, by their Clerk Assistant, consenting to ballot at the time proposed by this House for a Major-General for the 4th division of the militia of this State.

Mr. Blackledge, from the committee to whom was referred the petition of Edward Owen, reported a bill in his favour, entitled "a bill concerning Edward Owen of Person county," which being read, was, on motion of Mr. Blackledge, recommitted to the same committee with the petition.

A message from the Senate, by their Clerk-Assistant, informing that they had passed a resolution in favour of Judge Norwood, and asking the concurrence of this House.

The resolution was read and rejected. Mr. Hassell, who voted in the majority, moved that the vote be reconsidered; the question thereon was determined in the affirmative.

The resolution thereupon, was read the first, second and third readings, and the questions thereon passed in the affirmative.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of Michael Rymer, of Rowan county, made a report favourable to the prayer of the petition, recommending the passage of a bill, reported, concerning Michael Rymer, of Rowan county; the report was concurred in, and the bill read the first and second time. And the question shall the said bill pass, was determined in the affirmative.

The resignation of John Long, Justice of the Peace for the county of Ashe, received from the Senate, was read and accepted.

The bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding two of the Courts of Pleas and Quarter Sessions for the county of Burke;" also, the bill to repeal in part, the 4th section of an act passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this State relative to the artillery companies of Light Infantry Gren-

adiers and Riflemen, were read for their second readings. And the questions shall the said bills pass, were determined in the affirmative.

The bill to repeal the 5th and 6th sections of an act passed in the year 1820, entitled "an act to prevent the marriage of infant females," was read and ordered to be referred to the Committee on the Judiciary.

The bill to incorporate the Trustees of the Bertie Union Academy, was read the second time and passed.

On motion, *ordered*, that the said bill be read the third time and the question, shall the said bill pass and be engrossed, was determined in the affirmative.

The bill to repeal an act passed in the year 1818, entitled "an act fixing on the sum hereafter to be paid to the State for vacant lands," was read the second time;

Mr. Stanly moved that the said bill be postponed indefinitely.— The question thereon was determined in the affirmative. The Yeas and Nays were called for by Mr. Leonard.

YEAS—Messrs. Alford, Blackledge, J. M. Bryan, Brown, W. G. Bowers, Bodenhamer, Baker, T. Bell, C. Barnard, Brodnax, Bynum, Barrow, Conrad, L. Cherry, J. Cherry, Craom, Copeland, Carson, Cole, Clancy, Davenport, Elliott, Edwards, Fox, Forbes, Fisher, Garey, Graham, Holland, Henderson, Hargrave, Hastings, Hellen, Hunter, R. A. Jones, R. H. Jones, Jeter, Jorman, Iredell, Kilpatrick, Lewis, Mhoon, Melchor, McLean, Miller, M'Cauley, M'ebane, M'Daniel, Martin, E. Mann, Mewborn, Ormond, Pugh, Rainey, Ramsey, Stedman, Stewart, Sellers, Smith, Stanly, Strange, Tillett, Taylor, Turner, W. Underwood, Vann, Webster, S. Whitaker, Wilkins, Watson, Lamon, Walton, Wilder, Webb, L. P. Williamson, Walker, Worth—77.

NAYS—Messrs. Ashe, W. D. Barnard, E. H. Bell, Baine, Brooks, Beall, Brower, Collins, Clement, Campbell, Davis, Dargan, Edmondson, Flynt, Frederick, J. Gordon, N. Gordon, J. L. Hill, Hoover, Howell, Horton, Hassell, J. A. Hill, Leonard, Lowrie, Love, Melvin, M'Millan, M'Neill, Morgan, A. Martin, M'Farland, Roane, Stephens, Sidbury, Shepherd, Thompson, J. White, Whitehurst, Weaver, J. Whitaker, Ward, J. H. White, J. G. A. Williamson, Wright—45.

On motion of Mr. Baine,

*Resolved*, that a committee be appointed on the Militia Laws, and that Messrs.

The House then adjourned until to-morrow morning, 10 o'clock.

*Wednesday, November 26, 1823.*

Mr. Love presented the petition of John Shulle, of Haywood county, stating that he had been ejected from a tract of land purchased from the commissioners appointed to sell the lands lately acquired from the Cherokee Indians by treaty, and praying that the purchase money, with the costs of suit, be refunded to him.

*Ordered*, that the petition be referred to the committee on the Indian reservation of lands.

Mr. Hargrave presented the petition of Daniel Noomcaser, of Davidson county, praying for the passage of a law to divorce him from his wife Catharine.

*Ordered*, that the petition be referred to the committee of Propositions and Grievances.

The resignation of Henry Gary, Major of the second battalion of the Northampton county militia, was presented, read and accepted.

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Clancy and Mr. Brodnax wait on the Senate as a committee on the part of this House, to superintend the balloting for Major General of the 4th division of the militia.

A message from the Senate, proposing to ballot immediately for Brigadier General of the 2d brigade and 8th division of the militia, and informing that Col. Jesse Speight, is nominated for the appointment.

A message from the Senate, informing Mr. Cox and Mr. Alexander attend this House to superintend the balloting for a Major-General of the 4th division on their part.

On motion, *ordered*, that a message be sent to the Senate, informing of the assent of this House to their proposition to ballot for Brigadier General of the 2d brigade in the 8th division of the militia, and informing that the name of John J. Pasteur, of Newbern, is added to the nomination, and that Mr. Worth and Mr. Gary form a committee to conduct the balloting on the part of this House.

A message from the Senate, informing that they had passed a bill to alter the times of holding the Court of Pleas and Quarter Sessions of Tyrrell county, and asking the concurrence of this House. The bill was read the first time and passed.

On motion, *ordered*, that the said bill be read the second time—and the question shall the bill pass, was determined in the affirmative.

Received from the Senate the following resolution :

*Resolved*, that a joint select committee be appointed to enquire into the expediency of amending the Judiciary system, so far as relates to the Circuit Courts of this State, and on the part of the Senate, are appointed, Messrs. Hill, of Franklin, Martin, Seawell, Cameron, and Wellborn.

The resolution was read and concurred in, and a committee appointed to join the committee of the Senate, consisting of Messrs. Stanly, Iredell, Strange, T. N. Mann and Taylor, and the Senate informed thereof by message.

On motion of Mr. Fisher,

*Resolved*, that the joint select committee, on the subject of amending the judiciary system, be instructed to enquire into the expediency of passing a law for dividing the state into three Supreme Judicial Districts—the Eastern, the Middle, and the Western, and to provide that a Supreme Court be held by the present Judges of the Supreme Court once a year, or oftener, in each of said districts ; and, further, to enquire whether it will not promote the public interest to constitute said Courts as Courts of Chancery ; and that they report by bill or otherwise.

A message from the Senate, informing that Mr. Whitfield and Mr. Beasley form a committee on their part, to conduct the balloting for Brigadier General of the second brigade and eighth division.

Mr. Clancy, from the committee appointed to superintend the balloting for Major General of the 4th division of the militia, reported

that the committee had performed their duty, and that on examining the ballots, it appeared a majority of the whole number was found to be in favour of Michael M'Leary, who was duly elected.

The question to concur with the report was determined in the affirmative.

Mr. Ward, from the committee of Claims, to whom was referred the petition of Jaratt Weaver, of Nash county, made a report, which being read, was on motion, recommitted, with the papers, to the same committee.

Mr. Taylor presented a bill fixing the time for giving notice to endorsers of bonds and notes, in certain cases. *Ordered*, that the bill be referred to the Judiciary committee.

Mr. Blackledge, from the committee to whom the petition of David Blalock, of Orange county, was referred, made a report favorable to the prayer of the petition, recommending the passage of a bill accompanying the report, for the relief of David Blalock, of Orange county.

The bill was read for its first reading, and on motion, postponed indefinitely.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of Thomas Small, of Chowan county, made a report favorable to the prayer of the petition, recommending the passage of a bill to carry into effect the prayer thereof, entitled "a bill concerning Thomas Small, of Chowan county." The bill recommended, was read the first time, and the question shall the bill pass, was determined in the affirmative.

Mr. Gary, from the committee appointed to conduct the balloting for a Brigadier-General of the 2d brigade and 8th division, of the militia of this State, reported that the committee had performed the duty assigned to them, and that it appeared on examining the ballots, Jesse Speight had a majority of the whole number, and was duly elected.

The question to concur with the report was determined in the affirmative.

The resignation of Thomas Marler, Major of the first regiment of the Burke county militia, was presented, read and accepted.

Mr. Ward, from the committee of Claims, to whom was referred the petition of Henry Williams, made a report favourable to the prayer of the petition, recommending the adoption of a resolution reported, directing the Public Treasurer to pay to him the sum of \$10.

The question to concur with the report and resolution, passed in the negative.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom the petition of Edward Owen, of Person county, was referred, reported favourably to the prayer of the petition, recommending the passage of a bill, entitled "a bill for the relief of Edward Owen, of Person county."

The bill reported was read the first time, and the question, shall the said bill pass, was determined in the affirmative.

A message from the Senate, by their Clerk Assistant, informing that they had appointed a Committee of Enrolment, consisting of Messrs. Hatch, Burges and Jones.

The bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding two of the County Courts of Pleas and Quarter Sessions for the county of Burke." Also a bill to repeal in part the 4th section of an act passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this State, relative to the artillery companies of Light Infantry, Grenadiers and Riflemen;" and also a bill concerning Michael Rymer of Rowan county, were respectively read the third time; and the question shall the said bills pass and be engrossed, was determined in the affirmative.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions of Tyrrell county, was read the third time, and the question shall the said bill pass and be enrolled, was determined in the affirmative.

Mr. Iredell presented a bill to incorporate a Light Infantry Company in the town of Edenton.

The bill was read the first time, and the question, shall the said bill pass, was determined in the affirmative.

The bill concerning Morganton Academy, was read the second time and passed.

On motion of Mr. Martin of Rockingham, *ordered*, that the resolution presented by him on Friday last, for the purpose of ascertaining the sense of the people on the question of calling a Convention, &c. be made the order of the day for Monday week.

On motion, *ordered*, that a message be sent to the Senate, informing of the passage of a bill concerning Michael Rymer of Rowan county: also a bill to repeal in part the 4th section of an act passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this State, relative to the artillery companies of Light Infantry, Grenadiers and Riflemen;" also a bill to repeal an act passed in the year 1822, entitled "an act to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Burke," and asking the concurrence of the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

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Thursday, November 27, 1823.

On motion of Mr. Leonard,

*Resolved*, That the Judiciary be required to examine into the propriety of so amending the public road laws of this State, as to supersede the necessity of the same being given in charge to Grand Juries, and report by bill or otherwise.

Mr. Roane presented a bill for the regulation of the town of Morganton.

Mr. Barrow presented a bill to repeal an act passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution," so far as respects the counties of Perquimons, Pasquotank and Camden.

Mr. Hill presented a bill for the better regulation of the town of Statesville, in Iredell county.

Mr. Cole presented a bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county.

These bills were read respectively for their first readings, and the question shall the said bills pass, was determined in the affirmative.

A certificate of the County Court of Warren, in favour of Elizabeth Harris, widow of Burwell Harris, received from the Senate, allowing her as a pension for the present year, the sum of seventy-five dollars.

On motion, *ordered*, that the certificate be countersigned by the Speaker and returned to the Senate.

The bill concerning Thomas Small of Chowan county; also the bill for the relief of Edmund Owen of Person county, were respectively read the second time, and the question, shall the said bills pass, was determined in the negative.

Mr. Ward who voted in the majority on the question of rejection of the bill for the relief of Edward Owen, moved that the House do reconsider that vote. The question thereon passed in the affirmative.

The bill thereupon, was read for its second reading, and the question, shall the said bill pass, was determined in the affirmative.

On motion, *ordered*, that the said bill be read for its third reading, and the question shall the said bill pass, be engrossed and sent to the Senate for concurrence; was determined in the affirmative.

Mr. Croom presented a bill concerning the navigation of Neuse River.

Mr. Hargrave presented a bill to amend an act passed at the session of the last General Assembly, entitled "an act supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county."

These bills were read for their first readings, and the question, shall the said bills pass was determined in the affirmative.

Mr. Stanly, from the Committee on the Judiciary, to whom was referred the petition of John Burgin and others, praying the enacting of laws to secure to the citizen the liberty of enjoying his own mode of worship, reported that the committee had had the subject under consideration, and directed him to report a resolution, "that the laws regarding religion require no amendment." The question to concur with the report was determined in the affirmative.

The bill to incorporate a Light Infantry Company in the town of Edenton, was read the second time, and the question, shall the said bill pass, was determined in the affirmative.

Mr. Croom presented a bill to repeal the 44th section of an act passed in the year 1741, entitled "an act concerning servants and slaves;" and,

Mr. Worth presented a bill for the better regulation of elections in Guilford county.

These bills were read, the former referred to the Committee on the Judiciary, and the latter passed for its first reading.

Received from the Senate, by their Clerk Assistant, a message, informing that they had passed a bill, making compensation to Jurors of the Superior and County Courts of Tyrrell county; also a bill to exempt certain citizens in Tyrrell county, from public duty; also a bill to restore to credit, John Clewis of Brunswick county; and asking the concurrence of this House. The bills received were respectively read, for their first reading, and the question shall the said bills pass, was determined in the affirmative.

Received from His Excellency the Governor, by his Private Secretary Mr. Harden, the following communication:

*To the Honourable the General Assembly of the State of North-Carolina.*

Gentlemen—The receipt of a letter of Thomas Jefferson, Esq. with many interesting extracts to him, from Mr. Appleton, American Consul at Leghorn, formerly the agent of this State to negotiate and procure for her that splendid monument of General George Washington, which now adorns the rotunda of our Capitol, enables me, with much solicitude, to call your attention to the important matter they contain. This subject, as it now stands, seems to involve the reputation of the State in censure and ingratitude—principles so abhorrent to the generous and liberal mind, that I have no doubt they will be expunged unanimously by the reading of those letters I have exhibited for your consideration.

In order, gentlemen, that I may not be remiss in my duty, and that I may avail myself of a small portion of credit that every gentleman of the General Assembly will, with pleasure, boast of, that of doing justice, I have caused to be placed before you, for mature deliberation, the entire correspondence between Governor Miller, Wm. R. King, Esq. and others, with Mr. Appleton.

I have the honor to be, with much respect, gentlemen, your ob't serv't,  
GAB'L HOLMES.

*Executive Office, Raleigh, Nov. 25, 1823.*

On motion, ordered, that the message, with its references, be sent to the Senate, with a message, proposing to refer it to a special joint committee; and that Messrs. Fisher, Mebane, Stanly, Alston and Iredell form this committee on the part of this House.

The House then adjourned until to-morrow morning, 10 o'clock.

*Friday, November 28, 1823.*

Mr. Mebane, from the committee to whom was referred that part of the Governor's message which relates to reservations of land which certain Cherokee Indians claim under the provisions of the treaties concluded at the Cherokee Agency, on the 8th of July, 1817, and at Washington City on the 27th day of February, 1819, within the limits of this State, reported, that the committee had had the subject under consideration, and directed him to report a bill respecting the

reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians, and ask that it be passed into a law.

The bill reported was read the first time ; and the question, shall the said bill pass, was determined in the affirmative.

On motion of Mr. Fisher,

*Resolved*, That Mr. Fisher and Mr. Henderson form a Committee of Enrollment : and that the Senate be informed thereof by message.

Mr. Beall presented the following resolution :

*Resolved*, That a select committee be appointed to enquire into the expediency of repealing the act of 1815, providing for the election of Electors to vote for a President and Vice-President of the United States by a general ticket ; and in lieu thereof to restore the district principle of electing Electors for the same purpose ; and that the committee have leave to report by bill or otherwise.

On motion, *ordered*, that the resolution lie on the table, and be made the order of the day for Wednesday next.

On motion of Mr. Polk, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for a Solicitor for the 6th Judicial District ; and informing that Joseph Wilson and Hugh M. Stokes are nominated for the appointment.

Mr. Blackledge presented the petition of sundry inhabitants of Beaufort county, praying to be exempt from serving as Jurors.

Mr. Clement presented the petition of Wm. Neal, of Rowan county, praying to be enabled, by law, to erect a gate on a public road running through his lands.

*Ordered*, that the petitions be referred to the Committee of Propositions and Grievances.

Mr. Stanly presented a memorial from the Society of Friends, at their yearly meeting, held at New Garden, in Guilford county, the 11th of the present month, praying that measures may be taken to ameliorate the condition of slaves. On motion, *ordered*, that the said memorial be referred to Messrs. Stanly, Ward, Blackledge, Pugh and Love.

Mr. Stanly presented the petition of sundry inhabitants of Davidson county, respecting the location of the seat of justice of said county.

On motion, *ordered*, that the petition, with the letter of Doctor Caldwell, and the bill to amend an act, passed at the last session of the General Assembly, entitled "an act supplemental to an act passed at the present session of the General Assembly, entitled an act for the division of Rowan county," be referred to the Committee of Propositions and Grievances.

A message from the Senate, by their Clerk Assistant, proposing to ballot to-morrow morning for a Treasurer, Secretary of State, and Comptroller of the public accounts ; and informing that John Haywood, as Treasurer, Wm. Hill, as Secretary, and Joseph Hawkins, as Comptroller, are nominated for the appointments.

The message was concurred in, and the Senate informed thereof by message.

A message from the Senate, by their Clerk Assistant, informing that they had passed a bill to authorise a certain number of the Justices of the Peace for the county of Brunswick to appropriate the county monies ; and asking the concurrence of this House.

The bill for the regulation of the town of Morganton ; also the bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county ; also the bill for the better regulation of elections in Guilford county ; also the bill for the better regulation of the town of Statesville, in Iredell county ; also a bill to exempt certain citizens in Tyrrell county from public duty ; also the bill to restore to credit John Clewis, of Brunswick county ; also the bill making compensation to Jurors of the Superior and County Courts of Tyrrell county ; also the bill to repeal an act, passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution," so far as respects the counties of Perquimons, Pasquotank and Camden, were respectively read for their second readings ; and the questions, shall the said bills pass, were determined in the affirmative.

Mr. Fisher presented the petition of the executors of the last will and testament of Andrew Caldcleugh, late of the county of Rowan, praying that certain negroes, mentioned in said petition, be emancipated agreeably to the wish and direction of their testator. *Ordered*, that the petition be referred to the Committee of Propositions and Grievances.

Mr. Melchor presented a bill to amend an act, passed in the year 1819, entitled "an act relative to the apprehension of runaway slaves," and

Mr. Williamson presented a bill prescribing the duty of constables and other officers, in certain cases.

These bills were read for their first readings ; and the question, shall the said bills pass, was determined in the affirmative.

Mr. Stanly, from the Committee on the Judiciary, to whom was referred the resolution instructing them to enquire into the propriety of amending the laws providing for widows, reported a bill, entitled "a bill to amend the laws making provision for widows," and recommending that it be passed into a law. The bill reported was read the first time and passed.

The orders of the days were further postponed ; and  
The House then adjourned until to-morrow morning, 10 o'clock.

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Saturday, November 29, 1823.

On motion of Mr. Taylor, *ordered*, that a message be sent to the Senate, proposing to raise a joint select Committee of Superintendance of Public Buildings, and the expenditure of appropriations thereon ; and informing that Messrs. Taylor, Clancy, M'Lean, Sellers, and Martin form the committee on the part of this House.

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Ward and Mr. Henderson attend the Senate as a committee, on the part of this House, to superintend the balloting for a Public Treasurer, Secretary of State and Comptroller, for the ensuing year.

On motion of Mr. Alston,

*Resolved*, That the Public Treasurer be directed to lay before this House a particular account and statement of the receipts and disbursements of the Board of Internal Improvements for the two years past, up to the first day of the present month, November.

*Ordered*, that the resolution lie on the table.

Mr. Mebane presented a bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jr. deceased, to remove off a certain building erected on the four hundred acres of public land, in the Cherokee purchase, reserved for the future disposition of the Legislature.

Mr. Brooks presented a bill concerning the Commissioners of Greenville, in Pitt county.

These bills were read for their first readings; and the question, shall the said bills pass, was determined in the affirmative.

On motion of Mr. Brown, *ordered*, that Mr. Strange have leave of absence from the service of this House, until Saturday next, both days inclusive.

A message from the Senate, by their Clerk Assistant, informing that Mr. Legrand and Mr. Bullock attend this House as a committee on their part, to superintend the balloting for Public Treasurer, Secretary of State, and Comptroller, for the ensuing year.

On motion of Mr. Roane,

*Resolved*, That the Committee of Propositions and Grievances enquire into the propriety of making some provision for the support of Hester Faree, widow of Captain Ephraim Faree, an officer of the revolution; and that the said committee report by bill or otherwise.

A message from the Senate, by their Clerk Assistant, informing that they had passed a bill for the better regulation of the town of Windsor, in Bertie county; and asking the concurrence of this House.

The said bill was read for its first reading; and the question, shall the said bill pass, was determined in the affirmative.

Mr. Iredell, who voted in the majority on the question of indefinite postponement of the bill for the relief of David Blalock, of Orange county, moved that the House do reconsider that vote. The question thereon was determined in the affirmative. The bill, thereupon, was read for its first and second readings; and the question, shall the said bill pass, was determined in the affirmative.

On motion, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for a Governor of this State, for the ensuing year; and informing that Gabriel Holmes is in nomination for the appointment.

Mr. Ward, from the committee appointed to superintend the balloting for a Secretary of State, a Public Treasurer, and Comptroller of public accounts, for the ensuing year, reported that the committee had performed the duty assigned them, and that it appeared, on examining the ballots, Wm. Hill, as Secretary of State, John Haywood, as Public Treasurer, and Jos. Hawkins, as Comptroller of the public accounts, had each a majority of the whole number, and were duly elected. The question to concur with the report passed in the affirmative.

Mr. Ward presented the petition of Colonel William L. Hill, of Onslow county, praying to be paid for services performed by himself and others, in suppressing an insurrection of negroes in said county, in the year 1821. On motion, *ordered*, that the petition be referred to the Committee of Claims.

The bill for the better regulation of the town of Windsor, in Bertie county, was read the second time; and the question, shall the said bill pass, was determined in the affirmative.

The resignations of William Russell, of Warren county, and Isaac Williams, of Johnston county, Justices of the Peace, were presented, read and accepted.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of the executors of the last will and testament of Andrew Caldeleugh, late of Rowan county, reported, that the committee had, agreeably to order, had the said petition under consideration, and deem it reasonable; and directed him to report a bill to emancipate Sally Zimmerman, a slave belonging to the estate of Andrew Caldeleugh, late of Rowan county, to carry into effect the prayer of the petition. The said bill was read the first time, and, on motion, read the second time; and the question, shall the said bill pass, was determined in the affirmative.

On motion, *ordered*, that William B. Lockhart, the Clerk Assistant of this House, have leave of absence after to-morrow, until Friday next.

A message from the Senate, informing of the assent of that House to vote immediately for a Governor of the State, for the ensuing year; and that Mr. Williams and Mr. Alexander form a committee on their part, to superintend the balloting.

On motion, *ordered*, that a message be sent to the Senate, informing that Messrs. Blackledge and Williamson attend the Senate as superintendants of the balloting for a Governor for the ensuing year, on the part of this House.

The remaining orders were then further postponed; and  
The House adjourned until Monday morning, 10 o'clock.

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Monday, December 1, 1823.

Mr. Williamson, of Northampton, from the committee appointed to superintend the balloting for a Governor of the State, for the en-

sung year, reported, that the committee had performed the duty assigned them; and that on examining the ballots, a majority of the whole number was found to be in favor of Gabriel Holmes, who was duly elected. The question to concur with the report, was determined in the affirmative.

Mr. Hastings presented a bill to establish the mode of elections in future in the county of Wayne.

Mr. Flynt presented a bill providing for the more extensive distribution of the Journals of the General Assembly of this State.

These bills were read for their first readings; and the question, shall the said bills pass, was determined in the affirmative.

The resignations of D. Patterson, Justice of the Peace of Orange county; and James Scotten, Lieutenant-Colonel of the second regiment of militia of Randolph county, were presented, read and accepted.

On motion of Mr. Croom, *ordered*, that a message be sent to the Senate, proposing to raise a select joint committee to wait on His Excellency Gabriel Holmes, and inform him of his re-election to the Chief Magistracy of the State for the ensuing year; and informing that Mr. Croom and Mr. Blackledge form the committee, on the part of this House.

Mr. Elliott presented the petition of the Justices of the Peace of the county of Perquimons, praying to be exempt from serving as Jurors.

Mr. Alston presented the petition of Wm. Clopton, and others, of Halifax county, praying for the appointment of special Justices in said county.

On motion, *ordered*, that the petition be referred to the Committee on the Judiciary.

A message from the Senate, by their Clerk Assistant, informing of the appointment of a committee to join the one appointed by this House, styled "a Committee of superintendance of Public Buildings, and the expenditure of appropriations thereon;" and that Messrs. Cox, Wall, Speight, Marsh, and Marshall, form the committee on their part.

Mr. Ward, from the Committee of Claims, to whom was referred the petition of Jarratt Weaver, of Halifax county, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report, passed in the affirmative.

A message from the Senate, by their Clerk Assistant, informing that they had passed a bill to authorise the building of a toll bridge over Roanoke, at the town of Halifax, and to incorporate a company for that purpose; and asking the concurrence of this House. The bill was read and ordered to lie on the table.

Mr. Blackledge, from the committee to whom was referred the petition of Jacob Smith and others, of Burke county, made a report

unfavorable to the prayer of the petition, recommending its' rejection. The question to concur with the report, passed in the affirmative.

A message from the Senate, by their Clerk Assistant, informing of their assent to the proposition of this House, to appoint a select joint committee to wait on His Excellency, and inform him of his re-election to the Chief-Magistracy of the State, for the ensuing year ; and that Messrs. Seawell and Forney form the committee on their part.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of Sally Hampton, of Stokes county, made a report favorable to the prayer of the petition, recommending the passage of a bill reported, to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire. The report was concurred in, and the bill reported, read the first time and passed.

Mr. Blackledge presented a bill to alter the present mode of electing Sheriffs, and to vest the right thereof in the free people of this State. The said bill was read, and on motion, ordered to be printed.

Mr. Stanly, from the Judiciary committee, who were instructed to enquire into the expediency of altering the law of landlord and tenant, made a report recommending the passage of a bill reported, entitled "a bill to secure the rights of landlords and tenants holding over after the expiration of their terms." The report was concurred in, and the bill reported, read for its first reading, and passed ; and, on motion, ordered to be printed.

Mr. Shepherd presented a bill to amend an act passed in 1777, entitled "an act for appointing Sheriffs and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrear, to account for and pay the same, and for other purposes." The bill was read the first time and passed.

Mr. Blackledge, to whom the petition of Wm Neal, of Rowan county, was referred, reported a bill in pursuance to the prayer of the petition, entitled "a bill to authorise Wm Neal, of Rowan county, to erect a gate on his own land on the road leading through his plantation in said county." The report was concurred in, and the bill reported, read the first time ; and the question shall the said bill pass, was determined in the affirmative.

Mr. M'Farland presented a bill to repeal in part an act passed in 1822, entitled "an act to regulate the patrol of Richmond county." The bill was read the first time and passed.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred the bill concerning the navigation of Neuse river, made a report recommending the passage of a bill reported, entitled "a bill to facilitate the navigation of Neuse river." The report was concurred in ; and the bill reported, read for its first reading and passed.

**On motion of Mr. J. A. Hill,**

*Resolved*, that the committee on Education be instructed to enquire into the expediency of establishing, by law, schools throughout this state, in conformity to the 41st section of the Constitution, which makes it the duty of the Legislature to establish schools for the convenient instruction of the youth of the state, and to provide for the due encouragement and promotion of useful learning; and that said committee have leave to report by bill or otherwise.

Mr. Mebane, from the committee on that part of the message from the Governor as relates to the Cherokee lands, reported a bill concerning the Public Lands in Haywood county, and recommended that it be passed into a law. The bill reported, was read for its first reading; and the question, shall the said bill pass, was determined in the affirmative.

The bill for the relief of David Blalock, of Orange county, was read and ordered to lie on the table.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of Daniel Noomcaser, of Davidson county, made a report favourable to the prayer of the petition, recommending the passage of a bill to divorce Daniel Noomcaser, of Davidson county, from his wife Catharine. The report was concurred in, and the bill reported, read for its first reading; and the question, shall the said bill pass, was determined in the affirmative.

The bill concerning the commissioners of the town of Greeneville, in Pitt county; also, the bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, junior, deceased, to remove off a certain building erected on the 400 acres of public lands in the Cherokee Purchase, reserved for the future disposition of the Legislature, were read for their second readings; and the question, shall the said bill pass, was determined in the affirmative.

The bill for the better regulation of the town of Windsor, in Bertie county, was read the third time; and the question, shall the said bill pass and be enrolled, was determined in the affirmative.

The bill to emancipate Sally Zimmerman, a slave, belonging to the estate of Alexander Caldeleugh, deceased, late of Rowan county, was read the third time; and the question, shall the said bill pass and be engrossed, and the Senate informed thereof by message, was determined in the affirmative.

The bill to authorise a certain number of the Justices of the Peace for the county of Brunswick, to appropriate the county moneys, was read the first time and passed.

Mr. Blackledge, from the joint select committee, appointed to wait on his Excellency the Governor, and inform him of his re-election as Governor for the ensuing year, reported, that the committee had performed that duty, and that the Governor would, at twelve o'clock on Saturday next, take the oaths prescribed by law for his qualification, in the Commons Hall, in the presence of the Legislature.

Mr. Barnard presented a bill to add a part of Currituck county to Hyde county. The bill was read the first time; and the question, shall the said bill pass, was determined in the affirmative.

The bill prescribing the duty of constables and other officers, in certain cases, was read, and on motion, ordered to lie on the table.

Mr. Stanly, from the Judiciary committee, to whom was referred the bill to repeal the 5th and 6th sections of an act passed in the year 1820, entitled "an act to prevent the marriage of infant females," made a report recommending that the said bill be passed into a law. The report was concurred in, and the bill recommended, read for its second reading and passed.

The bill to amend an act, entitled "an act regulating descents passed in the year 1808;" also the bill to amend the laws making provision for widows; also the bill to amend an act passed in the year 1819, entitled "an act relative to the apprehension of runaway slaves," were read for their second readings, and the questions shall the said bills pass, were determined in the affirmative.

The House then proceeded to consider the resolution presented by Mr. Alston on Saturday last, which being read, Mr. Iredell moved that it be amended by striking out the whole, except the word "Resolved," and substituting an amendment in the following words:

That the Public Treasurer be directed to report to this General Assembly, the amount of monies he has received during the last two years appropriated to the Board of Internal Improvements, and the amount he has paid out of the said fund according to law; and

*Resolved, further*, that the Board of Internal Improvements be directed to lay before this General Assembly a condensed statement of their accounts, from the commencement of their operations to the first of November, 1823, exhibiting an account of the monies received from the Public Treasurer, and of the disbursements made by them, specifying the objects to which such monies have been applied, and accompanied with such remarks and explanations, as the Board may think proper to make.

The question to concur with the amendment passed in the affirmative. The resolution as amended, was read, and the question, shall the said resolution pass, was determined in the affirmative.

The remaining orders were further postponed; and

The House then adjourned until to-morrow morning, 10 o'clock.

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*Tuesday, December 2, 1823.*

A message from the Senate by their Clerk Assistant, of the date of the 28th ultimo, disagreeing to the proposition of this House to vote immediately for a Solicitor for the 6th Judicial Circuit.

On motion of Mr. Shepherd, ordered, that a message be sent to the Senate to ballot immediately for Solicitor for the 6th Judicial Circuit; and informing that the name of Hugh M. Stokes, is withdrawn from the nomination.

A message from the Senate by their Clerk Assistant, proposing an amendment in the bill to repeal in part the 4th section of an act

passed by the General Assembly in the year 1806, page 1101, entitled "an act to revise the militia laws of this state, relative to the artillery companies of light infantry, grenadiers and riflemen."—The amendment was concurred in, and the Senate informed thereof by message.

On motion of Mr. Taylor,

*Resolved*, That Arthur Hutchins, be allowed the sum of thirty-two dollars to be paid by the Public Treasurer for carrying a writ of election from the Honorable Speaker of this House, to the Sheriff of Chowan county, to supply the vacancy occasioned by the death of James Skinner, esq. and that the rule requiring that resolutions be read three times, be dispensed with in this case.

*Ordered*, That the resolution be engrossed and sent to the Senate by message.

A message from the Senate, consenting to ballot immediately for a Solicitor, for the 6th Judicial Circuit, and informing that Mr. Forney and Mr. Outlaw, attend this House as a committee to superintend the balloting on their part.

On motion, *ordered*, that a message be sent to the Senate informing that Mr. Clancy and Mr. Sellers attend the Senate as a committee on the part of this House to superintend the balloting for Solicitor for the 6th Judicial Circuit.

The House proceeded to consider the petition of sundry citizens of the counties of Bladen and Cumberland, presented by Mr. Ashe, the 23d ultimo, and ordered to lie on the table.

On motion, *ordered*, that the petition be referred to the Committee of Propositions and Grievances.

A message from the Senate, by their Clerk Assistant, informing that the Senate had passed a bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves, in the Great Dismal Swamp;" also a bill to regulate the practice in the several Courts of Equity in this State; also a bill directing in what manner the laws of our sister States shall be received in evidence in this State; and a bill to divorce Elizabeth Wilkins of the county of Burke, from her husband William Wilkins, and asking the concurrence of this House.

Mr. Clancy, from the committee appointed to conduct the balloting for a Solicitor of the 6th Judicial Circuit, reported that the committee had performed the duty assigned them, and that it appeared on examining the ballots, a majority of the whole number was found to be in favour of Joseph Wilson, who was duly elected; the question to concur with the report passed in the affirmative.

Mr. Stanly, from the joint select committee appointed to enquire whether the public printing can be done on terms of more economy, reported that no change in the mode of compensating the Public Printer, or in the amount of compensation for public printing, can at this time be advantageously made. The question to concur with the report passed in the affirmative.

On motion of Mr. Stanly; *ordered*, that a message be sent to the Senate proposing to ballot for a Public Printer for the ensuing year, to day, and informing that the names of Bell & Lawrence are added to the nomination, and further proposing to ballot to day for a Brigadier-General of the 17th brigade, and informing that Henry Blount is nominated for the appointment.

The message from His Excellency the Governor, of the 27th ultimo on the application of Mr. Appleton, was returned from the Senate, referred to Messrs. Burges, Hatch of Jones, Martin, Snead and Hill of Stokes.

On motion,

*Resolved*, That Messrs. Holland, Lowrie, Hunter, Melchor, Bowers, McCauley, Wilkins, Stuart, Barrow, Barnard, Bryan, Watson, Ward, Leonard, Seawell, and Sellers, form a Standing Committee on Military Affairs.

The bill to divorce Elizabeth Wilkins of the county of Burke from her husband William Wilkins.

Also the bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp;" also the bill to regulate the practice in the several Courts of Equity in this State; also the bill directing in what manner the laws of our sister States shall be received in evidence in this State, were severally read the first time, and the questions shall the said bills pass, were determined in the affirmative.

A message from the Senate, informing that Mr. Speight and Mr. Beasley attend this House as a committee, on their part, to conduct the balloting for a Brigadier-General for the 17th brigade of the militia, and also consenting to ballot to day for Public Printer for the ensuing year.

Mr. Stanly presented a bill authorising certain limitations of slaves by deed or writing, and Mr. Lowrie presented a bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a court-house in said county. These bills were read for their first readings, and the questions shall the said bills pass, was determined in the affirmative.

Mr. Croom, from the committee appointed to conduct the balloting for Brigadier-General for the 17th brigade, reported that the committee had performed the duty assigned to them, and that it appeared on examining the ballots, Henry Blount had a majority of the whole number and was duly elected; the question to concur with the report passed in the affirmative.

On motion, *ordered*, that a message be sent to the Senate, informing that Messrs. Pugh and Barrow, form a committee to superintend the balloting on the part of this House, for a Public Printer for the ensuing year.

A message from the Senate, informing that Mr. Graves and Mr.

Alexander attend this House, as a committee on their part, to superintend the balloting for a Public Printer for the ensuing year.

The resignations of Mr. M'Leary, Brigadier-General of the 11th brigade, John M. Bryan, Lieutenant-Colonel of the Craven county militia, and Mr. Petteway, Lieutenant Colonel of the militia of Onslow county, were read and accepted.

The bill to secure the rights of Landlords against Tenants holding over after the expiration of their terms; also, the bill to amend an act passed in 1777, entitled "an act for appointing Sheriffs and directing their duty in office, and for obliging the Sheriffs and Collectors who are in arrear, to account for and pay the same, and for other purposes;" and also, the bill concerning the public lands in the county of Haywood, were severally read for their second readings, and the questions, shall the said bills pass, were determined in the affirmative.

The bill providing for the more extensive distribution of the Journals of the General Assembly of this State, was read the second time, and on motion, *ordered* to be postponed indefinitely.

The bill to incorporate Sandy Creek Library Society; also, the bill for the better regulation of the town of Statesville in Iredell county; also, the bill for the regulation of the town of Morganton; the bill to repeal the 5th and 6th sections of an act passed in the year 1820, entitled "an act to prevent the marriage of Infant Females;" also, the bill incorporating Morganton Academy, were severally read for their third reading, and the questions, shall the said bills pass, be engrossed, and the Senate, informed thereof by message, were determined in the affirmative.

Mr. Pugh, from the committee appointed to conduct the balloting for Public Printer, for the ensuing year, reported that the committee had performed the duty assigned them, and that on examining the ballots, it appeared a majority of the whole number was in favour of Gales & Son, who were duly elected. The question to concur with the report passed in the affirmative.

Mr. Stanly presented the petition of Captain John Rhem, of the county of Craven, stating that in consequence of an insurrection or assemblage of runaway negroes, he was ordered out with his company to suppress and to arrest the negroes, and in the execution of his orders, he, as well as several other persons who were with him, received several gun-shot wounds, and are thereby rendered incapable of working and maintaining their families, and praying for an indemnity against the pecuniary portion of their sufferings.

Mr. Taylor presented the petition of William Boylan, in behalf of himself and the Heirs at Law of the late Benjamin M'Culloch, stating that by several conveyances or transfers, they became entitled, as heirs aforesaid, to a tract of confiscated land, sold by the Commissioner of confiscated property, Griffith J. M'Ree, in the district

of Wilmington, of which they have been evicted by due course of law, and praying that the purchase money, with interest and the cost of suit, be refunded to them.

Mr. Worth presented the petition of Elizabeth Hoggatt of Guilford county, wife of Isaiah Hoggatt, praying for the passage of a law to secure to her such property as she may acquire ; and,

Mr. Ashe presented the petition of several citizens of Bladen county, praying that a petition presented to the Assembly for the purpose of annexing part of Cumberland county, to the county of Bladen, be rejected.

*Ordered*, that these petitions be referred, the two former to the Committee of Claims, the two latter to the Committee of Propositions and Grievances.

Mr. Fisher presented the following preamble and resolutions :

The General Assembly of North-Carolina, cherish with zeal and veneration, the just principles on which the Constitution of the Union is established, and the pure spirit that animates the Federal System ; and we view with distrust and apprehension, every practice which may have a tendency to impair these principles, or to violate this spirit. The history of all governments shews, that the institutions of the people are in less danger from open violence, than from secret and insidious encroachments. In the first instance, the people are apprized of the danger, and may guard against it ; in the other, the evil is fatal—coming under the mask of patriotism, suspicion is lulled, and its danger unperceived.

Of the latter description, we consider the practice which heretofore has existed in the City of Washington, of holding Congressional Caucuses, for the nomination of Presidents of the United States—a practice directly opposed to the spirit of the Constitution, and fatally calculated to subvert the principles of our Government.

The Constitution of the Nation is one of checks and of balances ; its framers knew the frailties of mankind, and to preserve pure the integrity of its agents, it contemplates keeping separate and distinct from each other, the Legislative and Executive branches of the Government. Members of Congress are chosen by the people for certain specific and defined purposes—to exercise the functions of legislation, and not to elect or to nominate Presidents, except in the event as provided by the Constitution. In conformity to this caution of prudence and wisdom, the second article of the Constitution forbids members of either branch of Congress from acting as electors of President. Guarding against their own frailty, the people, by the Constitution, have taken from themselves the power to elect a Member of Congress, as an Elector ; yet by the practice of Caucusing, these Members of Congress indirectly do, what by the Constitution they are prohibited from doing directly.

The election of President, under the Constitution, is removed one degree from the people, by the intervention of the Electoral College ; but by the practice of Caucus nominations, it is, in effect, taken away from the people altogether, and exercised by a selfish combination of unauthorised individuals—usurping power, and leaving to the people the empty privilege of ratifying their decrees.

The advocates of Caucus have in view, to cause some one, by means of the nomination, to be elected President, who otherwise might not be elected. If this object be not effected by it, then the Caucus was useless : if it be attained, then the conclusion is irresistible, that the Members of Congress make the President, and in spirit violate that sacred instrument, which they have sworn to support.

We disapprove Congressional Caucuses for nominating Presidents, not only on Constitutional grounds, but on considerations of just policy. By the Constitution, in the event of no election by the Electoral College, the House of Representatives is to choose from the three highest, and voting by States ; a provision deemed so important as to have been repeated, though modified, by an amendment to the Constitution, solemnly ratified by this State in the year 1813. It is therefore, certainly improper,

unwise, and highly censurable, for Members of Congress to go into Caucus, and pre-judge the case, by pledging themselves to support a certain Candidate, when in twelve months thereafter they may be called upon to vote as final Electors. When the election of President goes to the House of Representatives, the functions of that body, for the time being, are wholly changed: they lose the character of Legislators, and become clothed with the privilege of the people, as Electors. An Elector is an Agent chosen by the people, not to exercise discretionary powers, but execute a qualified trust; to do what the people themselves would do, were they present; but Members of Congress are elected without reference to their sentiments on the Presidential question; in truth it may so happen, that while *they* prefer one person for President, the *people* prefer another; and we appeal to our knowledge of the fact, that whatever consideration may have induced the election of the present Members of Congress from this State, their opinions on the Presidential question had no manner of influence. The consequence therefore is, that when they go into Caucus, they do not carry with them the feelings and wishes of the people; they usurp a power denied by the Constitution and not given by the people; they obtain by fraud what they dare not attempt by violence.

It has been advanced, in defence of the practice of Caucusing, that it is necessary to prevent the election from going into the House of Representatives. The Constitution prescribes, that Congress, voting by States, shall elect the President from the three highest on the polls, if no one have a majority of the whole. Does not the guilt of perjury rest on the man, who, taking an oath to support the Constitution, yet busies himself to pervert and defeat its provisions? To this Legislature it would appear, that there is less danger of the House of Representatives being corrupted, than there is of the Caucus. In the one situation the Members act on their oaths and responsibilities; in the other they are impelled by their own selfish views, and they are exposed to the operations of intrigue, management, and oftentimes corruption.

The Legislature further object to this practice, because, in our Government, we ought vigilantly to avoid giving sanction to improper precedents, so fatal in other Governments. What at first is cautiously assumed, if unresisted, will, at last, be openly demanded as a right. Already do the friends of Caucus urge as argument, the practice of former Congresses; and unless the people now resist their usurpations, the period is not distant when Members of Congress will claim them as a right, by the law of immemorial usage—the people will be deprived of influence in the choice of President; or, Members of Congress must be chosen, not for their qualifications as Legislators, but for their opinion as Electors.

On former occasions, the plausible apology for Caucuses was, to unite the sentiments of the dominant party, to prevent it from being broken and shattered to pieces, lest their opponents might thereby supplant them in power. If this was ever a good apology, it certainly is not such at this time, since party rancour has subsided, the spirit of faction has disappeared, and most, if not all good men, unite in opinion upon questions of leading national policy.

The rights, the liberties of the American people, were achieved by the blood of our fathers, and wrung from the iron grasp of tyranny. These patriots fondly hoped they had secured, by their wisdom, in the Federal Constitution, the enjoyment of these rights. Against the treason of open violence, we should be degenerate indeed, if we did not rally around the standard of the Constitution, and with the sacrifice of life, shew that we greatly prize and can bravely defend the valuable inheritance. Shall we, then, when aware of our danger, permit a self-created aristocracy to deceive, delude, and rob us of our rights? The Legislature of North-Carolina *protest* against this unconstitutional and dangerous usurpation of a Caucus nomination of President by Members of Congress at Washington.

We believe an open, manly and candid effort should be made to check the unallowed design in its progress, and if the effort be not successful, that the people may be awakened and alarmed at the danger which threatens their rights, and apply the correction.

With these views, and for these reasons, the General Assembly of North-Carolina

**RESOLVE:** *First*, That the Senators in Congress from this State, be instructed, and our Representatives be requested, as a means of preserving the rights of the people

in choice of President, to withhold their countenance from the practice of meeting in Caucus, by the Members of Congress; and that they use their exertions to prevent a nomination from being made in Caucus, of persons to fill the offices of President and Vice-President of the United States.

*Second,* That our Senators in Congress be instructed, and our Representatives be requested, to bring before Congress, and urge the passage of an amendment to the Constitution, providing that each State in the Union shall be laid off at stated periods, into Electoral districts, for the election of Presidents and Vice-Presidents of the United States.

*Third,* That the Governor of this State transmit a copy of the foregoing Preamble and Resolutions to each of our Senators and Representatives in Congress.

*Fourth,* That the Governor transmit a copy of the foregoing Preamble and Resolutions to the Executive of each State in the Union, with a request that they be laid before their respective Legislatures.

On motion, *ordered*, that the preamble and the resolutions be printed, one copy for each Member of the Assembly, and be made the order of the day for Friday next.

The remaining orders were further postponed, and the House adjourned until to-morrow morning, 10 o'clock,

Wednesday, December 3, 1823.

On motion of Mr. Mebane, *ordered*, that a message be sent to the Senate, proposing to ballot to-morrow morning for Brigadier-General of the sixth brigade of the third division of the militia; and informing that John K. Carrington and Benjamin Elliott are nominated for the appointment.

On motion of Mr. Flynt,

*Resolved*, That the Military Committee be instructed to inquire into the expediency of amending that part of the militia laws of this state which compels commandants of regiments and captains to keep under arms their respective commands three hours at least in each and every day of parade.

*Resolved further*, That the same committee enquire into the expediency of causing the revised militia laws of this state to be distributed to the several commandants and captains within this state; and that they have leave to report by bill or otherwise.

On motion of Mr. Leonard,

*Resolved*, That the Military Committee be required to examine into the propriety of revising the militia laws of this state, or so amend them as to introduce some uniform system for the government of courts martial on the trial of officers under arrest; and that they report by bill or otherwise.

Mr. Carson presented the petition of James Cook, of Rutherford county, stating, that in the war of the revolution, he received a wound which rendered him unable to work; and praying to be placed on the pension list. *Ordered*, that the petition be referred to the Committee of Propositions and Grievances.

The bill to repeal an act, passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp;" also the bill to regulate the practice in the several Courts of Equity in this State; also the bill directing in what manner the laws of sister States shall be received in evidence in this State, were respectively read for their second readings; and the questions, shall the said bills pass, were determined in the affirmative.

On motion, *ordered*, that the bill authorising certain limitations of slaves by deed or writing, be printed, one copy for each member of the Assembly.

The bill to amend an act, passed in the year 1819, entitled "an act relative to the apprehension of runaway slaves;" also the bill to amend the laws making provision for widows, were each read the third time; and the question, shall the said bills pass, be engrossed, and the Senate informed thereof by message, was determined in the affirmative.

The bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee nation, was read for its second reading, and amended, and, on motion, ordered to lie on the table until to-morrow.

Mr. Ward, from the Committee of Claims, to whom was referred the petition of the heirs of Joseph Cunningham, the elder, and Joseph Cunningham, the younger, reported favorably to the prayer of the petition, recommending the adoption of a resolution allowing the petitioners the sum of five hundred and eleven dollars and ninety-two cents (§511 92.) On motion, *ordered*, that the report lie on the table.

A message from the Senate, proposing to amend the engrossed bill to repeal an act, passed in the year 1822, entitled "an act to alter the time of two of the Courts of Pleas and Quarter Sessions of the county of Burke."

The amendment was agreed to, and the Senate informed thereof by message.

A message from the Senate, by their Clerk Assistant, agreeing to ballot at the meeting of the two Houses to-morrow morning, as proposed by this House, for a Brigadier-General of the 6th brigade, in the 3d division.

The bill to repeal an act, passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution," so far as respects the counties of Poquonocks, Pasquotank and Camden; also the bill to amend an act, passed in the year 1777, entitled "an act for appointing Sheriffs, and directing their duty in office, and for obliging the late Sheriffs and Collectors who are in arrear, to account for and pay the same, and for other purposes;" also the bill concerning the public lands in the county of Haywood; also the bill to regulate the Courts of Pleas and Quarter Sessions of Richmond county; also the bill for the better regulation of elections in Guilford county, were severally read for their third readings, and the question, shall the said bills pass, was determined in the affirmative.

On motion, *ordered*, that the said bills be engrossed, and the Senate informed thereof by message.

On motion, *ordered*, that the bill to facilitate the navigation of Neuse river, be referred to the members representing the counties of Wayne, Craven, Lenoir and Johnston.

The bill to divorce Elizabeth Wilkins, of the county of Burke, from her husband William Wilkins; also the bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-House in said county, were each read for their second readings; and the question, shall the said bills pass, was determined in the affirmative.

The bill for the relief of David Blalock, of Orange county; also the bill concerning the Commissioners of the town of Greeneville, in Pitt county; and also the bill to authorise Thomas Love, of Haywood county, administrator of Robert Love, jr. deceased, to remove off a certain building erected on the four hundred acres of public lands in the Cherokee Purchase, reserved for the future disposition of the Legislature, were severally read for their third readings; and the question, shall the said bills pass, was determined in the affirmative. On motion, *ordered*, that the said bills be sent to the Senate.

The bill making compensation to Jurors of the Superior Court and County Courts of Tyrrell county, was read the third time; and the question, shall the said bill pass, was determined in the affirmative. *Ordered*, that the said bill be enrolled.

The Speaker laid before the House the following communication from the Public Treasurer :

*To the Honorable the Speaker and the Members of the House of Commons of the General Assembly of the State of North-Carolina.*

Gentlemen—In obedience to your resolution of yesterday, I herewith transmit you copies of my accounts, as Public Treasurer, with the Board of Internal Improvements of this State for the two last years, beginning with November, 1821, and ending with October, 1823. These accounts embrace one fiscal year each, and exhibit the items of receipts and expenditure, as required by the resolve above mentioned; and are therefore somewhat more in detail than the report which the Public Treasurer had the honor to submit to the General Assembly on the 22d ultimo. The result, however, with respect to the balance on his hands unappropriated, and made subject by law to the drafts of the Board of Internal Improvements, and for which he remained accountable on the first day of November last, will be found to be precisely the same as already and heretofore reported.

Much and respectfully, gentlemen, your obedient servant,

JOHN HAYWOOD, *Public Treasurer.*

RALEIGH, December 2, 1823.

On motion, *ordered*, that the said communication lie on the table. The remaining orders of the day were further postponed; and The House adjourned until to-morrow morning, 10 o'clock.

*Thursday, December 4, 1823.*

William Walton, the member elected to represent the county of Chowan, to supply the vacancy occasioned by the death of James Skinner, appeared, produced his credentials, was qualified and took his seat.

A message from the Senate, by their Clerk Assistant, informing that they had passed a bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of Commissioners, and for other purposes; also a bill to exempt from taxation improvements made on lands by the erection of salt-works thereon; also a bill for the relief of Jordan Denson, late Sheriff of Franklin; and also a bill to legitimate and alter the name of Sally Smith, of Stokes county; and asking the concurrence of this House.

The bill to exempt from taxation improvements made on lands by the erection of salt-works thereon; also the bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line," so far as respects the appointment of Commissioners, and for other purposes; also the bill to legitimate and alter the name of Sally Smith, of Stokes county; and also the bill for the relief of Jordan Denson, late Sheriff of Franklin. These bills were read for their first readings; and the questions, shall the said bills pass, were determined in the affirmative.

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Fox and Mr. Thompson wait on the Senate as a committee on the part of this House, to conduct the balloting for Brigadier-General for the 6th brigade.

A message from the Senate, informing that they had rejected the engrossed bill to incorporate a Light Infantry Company in the town of Edenton.

A message from the Senate, informing that Mr. M'Leod and Mr. Brittain form a committee on their part to superintend the ballotting for Brigadier-General for the 6th brigade.

On motion of Mr. Martin, of Rockingham,

*Resolved*, that it shall, and it is hereby declared to be, the duty of the Public Printer, to attach to the Laws to be published for the year 1823, the Returns of the different Sheriffs and Clerks of this State, agreeably to the Comptroller's Report.

Mr. Wilkins, from the select committee, to whom was referred a resolution directing them to enquire into the expediency of amending the 9th and 10th sections of an act passed in the year 1813, entitled "an act to amend the militia laws of this stat.," reported, that in the opinion of the committee, the said sections require amendment, but that it is a proper subject of the Military Committee, and recommending that the said resolution be referred to that committee. The question to concur with the report, passed in the affirmative.

Mr. Roane presented a bill respecting lands held under ancient patents—Read, and on motion, ordered to be referred to the committee on the Judiciary.

Mr. Baine presented a bill directing the manner in which constables shall hereafter be appointed in the county of Mecklenburg.

Mr. Stedman presented a bill to alter the mode of electing militia officers in the county of Gates.

Mr. Clancy presented a bill to authorise the payment of money to Clerks of Courts of Record, in certain cases.

Mr. Davenport presented a bill to repeal an act passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution," so far as respects the county of Washington.

These bills were severally read for their first readings, and the questions, shall they pass, were determined in the affirmative.

Received from His Excellency the Governor, the following communication, by his Private Secretary Mr. Harden :

*To the Honourable the General Assembly of the State of North-Carolina*

GENTLEMEN—I herewith transmit to your honorable body, the annual return of the Adjutant General of the Militia of North-Carolina.

I have the honor to be, gentlemen, your ob't serv't,

GAB'L HOLMES.

*Executive Office, Raleigh, Dec. 4, 1823.*

On motion, ordered, that the communication be sent to the Senate.

Mr. Thompson, from the committee appointed to conduct the balloting for Brigadier-General of the 6th brigade, reported, that the committee had performed the duty assigned to them, and that on examining the ballots, it appeared John K. Carrington had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

The bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee Nation, was read the second time; Mr. Helme moved to amend the bill. The question thereon passed in the negative. The bill was then put on its passage, and the question thereon passed in the affirmative—Yeas 60—Nays 60. The Speaker voted in the affirmative. The Yeas and Nays called for by Mr. Alston. Those who voted in the affirmative, are

YEAS—Messrs. Alford, Blackledge, J. M. Bryan, Bowers, Bodenhamer, Beall, Brower, Collins, Conrad, Croom, Carson, Cole, Clement, Clancy, Davis, Dargan, Davenport, Edmondson, Edwards, Flynt, Frederick, Fisher, J. Gordon, Graham, N. Gordon, Hargrave, J. L. Hill, Holland, Howell, Henderson, Horton, Hastings, J. A. Hill, Hunter, Iredell, Lowrie, Love, M'Millan, M'Neill, Melchor, McLean, Miller, Mebane, M'Cauley, A. Martin, M'Daniel, M'Farland, Ormond, Roane, Stewart, Shephard, Smith, Stanly, Thompson, J. White, S. Whitaker, Weaver, Walker, Worth, Wright—60

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alston, W. D. Barnard, Brown, E. H. Bell, Baker, T. Bell, Baine, C. Barnard, Brooks, Brodnax, Bynum, Barrow, Copeland, J. Cherry, Elliott, Fox, Forbes, Garey, Hoover, Hellen, Helme, Hassell, R. A. Jones, R. H. Jones, Jeter, Jarman, Kilpatrick, Leonard, Lamon, Lewis, Mhoon, Melvin, Morgan, R. Martin, E. Mann, Mewborn, Pugh, Ramsey, Stedman, Stephens, Seawell, Sidbury, Sellers, Tillet, Taylor, Turner, W. Underwood, D. Underwood, Vann, Webster, Wilkins, Watson, Walton, J. G. A. Williamson, Webb, L. P. Williamson, Wilder, Whitehurst, W. Walton—60

The remaining orders of the day were further postponed; and The House then adjourned until to-morrow morning, 10 o'clock.

*Friday, December 5, 1823.*

Mr. Bowers presented a bill to amend an act passed in the year 1789, to amend an act entitled an act concerning the proving of wills, granting letters of administration, and to prevent frauds in the management of intestates' estates.

Mr. Ward presented a bill to appoint commissioners for the town of Swansborough, in Onslow county.

Mr. Cherry presented a bill to legitimate and alter the names of Emereldy Thomas, Elias Thomas and Ellis Thomas.

Mr. Bodenhamer presented a bill to repeal an act passed in the year 1822, entitled "an act directing the manner of appointing patrollers in the county of Davidson."

These bills were severally read the first time and passed.

On motion of Mr. Helme,

*Resolved*, that the Governor of this State be requested to lay before this House the correspondence between the Executive Department and the Commissioners appointed by the act of 1819, to sell the lands in the Cherokee Purchase.

The resignations of Wm Benton, Major of the first regiment of militia in Montgomery county; and John M'Callum, Justice of the Peace for said county, were read and accepted.

A message from the Senate, by their Clerk Assistant, informing of the passage of a bill to amend an act, entitled "an act to provide for children born after the making of their parents' will," passed in the year 1808; and a bill for the relief of Amos Harmon, and asking the concurrence of this House.

Mr. Martin, from Rockingham, presented a bill to establish a Bank of the State of North-Carolina. The bill was read the first time and passed—and on motion, ordered to be printed.

The bill for the relief of Amos Harmon, was read for the first time; and the question, shall the said bill pass, was determined in the negative.

The bill to amend an act, entitled "an act to provide for children born after the making of their parents' will," passed in the year 1808, was read the first time and passed.

*Ordered*, on motion of Mr. Taylor, that I. Wiley, Mr. King, Samuel Carpenter and John King, who petitioned the last General Assembly for military land warrants, have leave to withdraw their papers from the files.

The bill to add a part of Currituck county to Hyde county, was read the second time; and the question, shall the said bill pass, was determined in the affirmative.

The House proceeded to the order of the day, and took up the resolution presented by Mr. Fisher on Tuesday last.

On motion of Mr. Blackledge, *ordered*, that the said resolution be made the order of the day for Monday next.

The report of the committee of Claims, on the petition of Joseph

Cunningham the elder and Joseph Cunningham the younger, was read the first time and passed.

The Speaker laid before the House the resignation of William B. Lockhart, Clerk Assistant of this House.

Mr. Stanly thereupon moved that Charles Manly be appointed Clerk Assistant to this House; and Mr. Gary moved that the name of Samuel F. Patterson, be added to the nomination. The House therenpon proceeded to ballot, on motion of Mr. Fox, for Clerk Assistant, and appointed a committee consisting of Mr. Blackledge and Mr. Gary to superintend the balloting.

Mr. Stewart presented a bill to continue in force an act passed in the year 1822, concerning the entries of land in this state. The bill was read the first time and passed.

A message from the Senate, stating that they had passed the engrossed resolution requiring the Public Printer to attach to the laws of 1823, returns of the Sheriffs and Clerks in this State, with an amendment, and asking the concurrence of this House. The question to concur with the amendment, passed in the negative. *Ordered*, that the Senate be informed thereof by message.

A message from the Senate by their Clerk Assistant, informing that they had rejected the bill to repeal the 5th and 6th sections of an act passed in the year 1820, entitled "an act concerning the marriage of infant females."

Mr. Blackledge, from the committee appointed to conduct the balloting for Clerk Assistant, reported that the committee had performed the duty assigned to them, and that on examining the ballots, a majority of the whole number was found to be in favour of Charles Manly, who was duly elected. The question to concur with the Report passed in the affirmative.

The bill to amend an act, entitled "an act to extend and improve the two roads leading from Wilkesborough to the Tennessee line, so far as respects the appointment of commissioners, and for other purposes;" also the bill to exempt from taxation improvements made on lands by the erection of Salt Works thereon; also the bill to authorise the payment of money to Clerks of Courts of Record, in certain cases—were severally read the second time; and the question, shall the said bills pass, was determined in the affirmative.

The remaining orders of the day were further postponed; and  
The House then adjourned until to-morrow morning, 10 o'clock.

*Saturday, December 6, 1823.*

On motion, *ordered*, that the Senate be informed by message of the resignation of Wm. B. Lockhart, the Clerk Assistant of this House, and of the appointment of Charles Manly to supply the vacancy.

The resignation of Wm. M'Cain, Lieutenant Colonel of the first regiment of the militia of Guilford county, was read and accepted.

Mr. Whitaker, of Wake, presented a bill providing for the payment of Jurors in the Supreme Court of this State. The bill was read the first time and passed.

Mr. Stewart presented the petition of John Smithwick, praying to be paid for certain services performed in the late war. *Ordered*, that the petition be referred to the committee of Claims.

The bill to amend an act passed in the year 1789, to amend an act entitled "an act concerning the proving wills, granting letters of administration, and to prevent frauds in the management of intestate estates;" also the bill to amend an act, entitled "an act to provide for children born after the making of their parents' will," passed in the year 1808; also the bill to continue in force an act passed in the year 1822, concerning the entries of land in this state, were severally read the second time, and the question shall the said bills pass, was determined in the affirmative.

The bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp," was read the third time; and the question shall the said bill pass and be enrolled, was determined in the affirmative.

A message from the Senate, informing that they had passed a resolution directing the Board of Internal Improvements, if they deem it expedient, to cause the Civil Engineer to survey and lay off the route for a Canal from some point on Neuse river, at or near Smithfield, to Swift Creek Bridge, in Craven county. The resolution being read, was on motion, ordered to lie on the table.

Mr. Stewart presented a bill to amend an act passed in 1822, entitled an act to amend an act passed in the year 1818, entitled an act to amend an act passed in 1815, to incorporate a company and make a turnpike road from Pungo Creek, in Hyde county, to the town of Plymouth, in Washington county.

Mr. Helme presented a bill concerning the duties of guardians, administrators and executors, in certain cases.

Mr. Cherry presented a bill to alter the names of William Riley Brewer, Daniel Putnam Brewer, and Hilliard Brewer, children of Benjamin Whitley, of Martin county, and to legitimate them.

These bills were read the first time; and the question, shall the said bills pass, was determined in the affirmative.

The bill to exempt from taxation improvements made on lands by the erection of salt-works thereon, was read the third time, and the question, shall the said bill pass, was determined in the negative.

The bill directing in what manner the laws of our sister states shall be received in evidence in this state; also the bill to repeal an act passed in the year 1822, entitled "an act to encourage the apprehension of runaway slaves in the Great Dismal Swamp;" also the bill to regulate the practice in the several Courts of Equity in this State, were severally read the third time, and the question, shall the said bills pass and be enrolled, was determined in the affirmative.

The resignation of Ransom Walker, Lieutenant Col. of Warren county regiment of militia, was read and accepted.

The bill to secure the rights of landlords against tenants holding over after the expiration of their terms, was read the third time and passed. *Ordered*, that the said bill be engrossed, and sent to the Senate for concurrence.

The bill to divorce Daniel Noomcaser, of Davidson county, from his wife Catharine; also the bill to authorise Wm Neall and Isaac Ward, of Rowan county, to erect gates on their own lands on the road leading through their plantations in said county; also the bill to appoint commissioners for the town of Swansborough, in Ouslow county; also the bill to repeal an act passed in the year 1822, entitled "an act directing the manner of appointing patrollers in Davidson county;" also the bill to authorise a certain number of the Justices of the Peace for the county of Brunswick to appropriate the county monies, were severally read for their second readings, and the question, shall the said bills pass, was determined in the affirmative.

Mr. Stanly, from the committee on the Judiciary, to whom was referred that part of the Governor's message which relates to the prayer of certain prisoners for a Court of Oyer and Terminer, reported a bill directing Courts of Oyer and Terminer for the counties of Wake and Halifax, and recommended that it be passed into a law. The report was concurred in; and the bill reported, read the first time and passed.

The bill to legitimate and alter the names of Emereldy Thomas, Elias Thomas and Ellis Thomas, was read the second time, and on motion, rejected.

On motion of Mr. Jones, of Warren,

*Resolved*, that the committee on Public Buildings be instructed to enquire into the expediency of employing some person or persons to preserve and take care of the Public Buildings in this city, and that they report by resolution or otherwise.

His Excellency Gabriel Holmes, the Governor elect of this State, for the ensuing year, agreeably to his notification, being conducted into the Commons Hall by a joint select committee of both Houses, was qualified as Governor, by taking and subscribing the several oaths prescribed by law for his qualification—the oaths being administered by His Honor Chief-Justice Taylor.

A message from the Senate, by their Clerk Assistant, informing that the Senate recede from their amendment made in the resolution of this House, requiring the Public Printer to attach to the laws of 1823, the returns of the Sheriffs and Clerks, and of their assent to the passage of the resolution.

Received from His Excellency the Governor, the following communication :

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN—I herewith enclose you the Annual Report of the Board of Internal Improvements, together with a condensed statement of the accounts of the Board from the commencement of their operations to the first day of November, 1823, in compliance with a resolution of the House of Commons of the 1st inst.

I am with great respect, &c.

GABRIEL HOLMES,

President of the Board of Internal Improvements.

On motion, *ordered*, that the message be sent to the Senate, and be printed, four copies for each member of the Assembly.

The remaining orders of the day were further postponed; and The House adjourned until Monday morning, 10 o'clock.

Monday, December 8, 1823.

Mr. Strange presented the petition of the citizens of Fayetteville on the subject of Internal Improvements.

Mr. Wm Watson presented the petition of several inhabitants of Beaufort county, praying to be authorised to clear out Pungo Creek, in said county. *Ordered*, that these petitions be referred, the former to the committee on Internal Improvements, the latter to the committee of Propositions and Grievances.

Mr. Mebane presented the petitions of John Ray, of Orange county; and of the heirs of John Rice, deceased, on the subject of land warrants. *Ordered*, that the petitions be referred to Messrs. Mebane, Carson, Mewborn, E. Mann and Sellers.

Mr. — presented the petition of John Kendal and others, praying for the passage of a law specifying what penalty shall be incurred for the breach of that part of the Constitution, which says, that "all persons shall be at liberty to exercise their own mode of worship." *Ordered*, that the petition be referred to the committee of Propositions and Grievances.

On motion of Mr. Clancy,

*Resolved*, that the Public Treasurer pay to Thomas D. Watts, Sheriff of Orange county, the sum of twenty-eight dollars and eighty cents, being the amount of sixty-nine insolvent polls for the year 1821, and seventy polls for the year 1822, allowed him by the Court of the county aforesaid.

The resolution was read the first time and passed.

Mr. Mebane presented the following resolution :

Whereas, certain persons belonging to the Continental line of North-Carolina rendered services during the revolutionary war, for which they are entitled to receive lands from this state, and no warrants have yet issued for those lands, nor applications made for such warrants; and it is desirable that such warrants be issued and satisfied out of the vacant lands ceded to the state of Tennessee as speedily as possible; and it being unknown to whom the said warrants rightfully belong:

*Resolved*, That the Secretary of State be, and he is hereby directed to issue to the Trustees of the University of this State, warrants in each case on the muster-roll of the Continental line of this State where warrants have not heretofore issued; and that the said Trustees hold the same, and the lands to be entered by virtue thereof, in trust, for the officers and soldiers who performed the military services for which said warrants shall issue: *Provided*, that if no claim be exhibited by the said officers and soldiers, or

their legal representatives, within seven years from the first day of January next, the said trust shall cease and determine.

Mr. Ward, from the Committee of Claims, to whom was referred the memorial of Colonel Wm. L. Hill, of Onslow county, reported favorably to the prayer of the petition, recommending the passage of a resolution reported, directing the Treasurer, Comptroller and Secretary of State to audit and settle the accounts. The report and resolution were concurred in.

A message from the Senate, by their Clerk Assistant, informing of the passage of a bill to alter the name of Joseph Scott, and to legitimate him, and asking the concurrence of this House.

The bill to alter the name of Joseph Scott and to legitimate him, was read the first time and passed.

The resignation of A. Nicholson, Colonel Commandant of the regiment of militia in Richmond county, was read and accepted.

Mr. Stanly, from the Committee on the Judiciary, to whom was referred the petition of the Justices of Perquimons county, praying that Justices of the Peace may be exempt from serving as Jurors, reported unfavorably to the prayer of the petition, recommending its rejection.

Mr. Stanly also from the same Committee, reported unfavorably on the petition of William Clopton and others, of Halifax county, recommending its rejection. The question to concur with the report passed in the affirmative.

Mr. Stanly, also from the same Committee, to whom was referred the resolution instructing them to enquire into the expediency of amending the road laws, so as to supersede the necessity of the same being given in charge to the Grand Juries, made a report, which was read and ordered to lie on the table.

Mr. Worth presented a bill to incorporate Greensborough Lodge, No. 76, in Guilford county.

Mr. Howell presented a bill to authorise the County Court of Robeson to appoint a Committee of Finance.

These bills were read the first time and passed.

On motion of Mr. E. Mann,

*Resolved*, That the Committee on Internal Improvements be instructed to enquire into the expediency of retaining in the employment of the State, the present State Engineer; and also the propriety of keeping up, and sustaining the Board of Internal Improvements; and that they report by bill or otherwise.

Mr. Stanly, from the Judiciary committee, to whom was referred the bill to repeal the 44th section of an act, passed in the year 1741, entitled "an act concerning servants and slaves," reported, that in the opinion of the Committee, the said bill is necessary and ought to be passed into a law. The report was concurred in, and the bill read for its first reading and passed.

The bill to authorise the building a toll-bridge over Roanoke river at the town of Halifax, and to incorporate a company for that purpose. The said bill was read for its first reading and passed.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the counties of Bladen and Cumberland, reported favorably to the prayer of their petition, recommending the passage of a bill to repeal an act, passed in the year 1822, appointing Commissioners to extend and mark the dividing line between the counties of Bladen & Cumberland, and to appoint Commissioners to run and establish the line between said counties, on the east side of Cape-Fear river. The bill reported was read the first time, and, on motion, ordered to be postponed indefinitely.

The bill to add a part of Currituck county to Hyde county, was read the third time; and the question shall the said bill pass, and be engrossed, was determined in the affirmative.

Mr. Edwards, who voted in the majority on the question of indefinite postponement of the bill to legitimate and alter the names of Emereldy Thomas, Elias Thomas and Ellis Thomas, moved that the House do reconsider that vote. The question thereon passed in the affirmative; and the bill thereupon was read the second time and passed.

Mr. Lamon, who voted in the majority on the question of indefinite postponement of the bill to legitimate Emmery Beazer Williams, and for other purposes, moved that the House do reconsider that vote. The question thereon, passed in the affirmative. The bill thereupon was read the first time and passed.

The bill to exempt certain citizens in Tyrrell county, from public duty, was read the third time. The question, shall the said bill pass, was determined in the affirmative, and ordered to be enrolled.

Mr. A. B. M'Millan presented a bill to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by the way of Gap Civil, in Ashe county. The bill was read the first time and passed; and, on motion, referred to the Committee of Internal Improvement.

Mr. Croom, from the Committee to whom was referred a bill to facilitate the navigation of Neuse river, made a report, recommending that the whole of the bill, except the title, be stricken out, and an amendment reported, be substituted in place thereof. The question to concur with the report, passed in the affirmative; and the bill, as amended, was read the second time and passed.

The bill directing a Court of Oyer and Terminer for the county of Wake, was read the second time, and amended, and the question, shall the said bill pass, was determined in the affirmative.

Received from His Excellency the Governor the following communication:

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN—In compliance with a resolution of the House of Commons of the 5th instant, I have the honor to lay before you the correspondence between the Exe-

cutive department and the Commissioners appointed for selling the Cherokee lands, under the law of 1819, together with an extract of Governor Branch's message to the General Assembly of 1820, relating thereto.

I have the honor to be, gentlemen, very respectfully your ob't serv't,

GABRIEL HOLMES.

*Executive Office, Raleigh, Dec. 8, 1823.*

On motion, *ordered*, that the communication be referred to a special committee ; and that Messrs. Helme, Mebane, Brodnax, Shepherd and Clancy form this Committee.

The remaining orders of the day were further postponed ; and  
The House adjourned until to-morrow morning, 10 o'clock.

*Tuesday, Dec ember 9, 1823.*

A message from the Senate, by their Clerk Assistant, consenting to have printed the report of the Board of Internal Improvements, and proposing that the said report be referred to the committees of the two Houses on Internal Improvements. The proposition was agreed to, and the Senate informed thereof by message.

Mr. Fisher presented a bill directing a geological survey to be made of the State of North-Carolina. *Ordered*, that the bill be referred to the Committee on Agriculture.

Mr. Mebane presented the petitions of John S. Russwurm, of the State of Tennessee, and Job Gargis, praying for military land warrants. *Ordered*, that the petitions be referred to the select committee to whom was referred the petitions of John Ray and the heirs of John Rice.

The House, agreeably to the order of the day, took up the Resolutions presented by Mr. Fisher, on Tuesday last : Mr. Bynum moved that the said resolutions be postponed indefinitely. While the question was pending, Mr. Ward moved that the House adjourn ; the question thereon passed in the affirmative ; and

The remaining orders of the day were further postponed.

The House then adjourned until to-morrow morning, 10 o'clock.

*Wednesday, December 10, 1823.*

A message from the Senate by their Clerk Assistant, proposing certain amendments in the engrossed bill to repeal an act passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution," so far as respects the counties of Perquimons, Pasquotank and Camden. The amendments were concurred in, and the Senate informed thereof by message.

Mr. Gordon presented the following resolution :

*Resolved*, that the Public Treasurer be directed to pay to Joseph Medley, Sheriff of Anson county, the sum of fifteen dollars and eighty cents, it being the amount allowed him for seventy-nine insolvent polls for the year 1822, and that the Treasurer be allowed the same in the settlement of his public accounts.

On motion, *ordered*, that the resolution be referred to the committee of Claims.

## On motion of Mr. Copeland,

*Resolved*, that the committee on the Judiciary be instructed to enquire whether any, and if any, what alteration is necessary in the laws now in force on the subject of selling real estate of deceased persons, so as to provide that executors or administrators should be authorised to sell the same, when the situation of the estate should require it, in order to pay the debts from the same—and that they report by bill or otherwise.

On motion of Mr. Martin, of Rockingham, *ordered*, that the bill to establish a Bank of the State of North-Carolina, be made the order of the day for Monday next.

On motion, *ordered*, that Mr. Fisher be excused from serving on the committee of enrollment, and that Mr. Graham be appointed in his stead; and that the Senate be informed thereof by message.

A message from the Senate, by their Clerk Assistant, informing of the passage of a bill to repeal an act passed in the year 1822, entitled an act supplemental to an act passed at the last session of the General Assembly, entitled an act to allow commissions to Constables in the counties of Warren, Northampton and Brunswick, so far as relates to the county of Ashe. The said bill was read for its first reading and passed.

Mr. Alford presented a bill to repeal an act passed in the year 1818, entitled "an act to repeal the first section of the 26th chapter of the acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston," so far as relates to the county of Robeson. The bill was read the first time, and the question, shall the said bill pass, was determined in the affirmative.

Mr. Taylor presented the petition of Thomas Price and Washington Price, praying that the said Washington may be divorced from his wife Susanna. On motion, *ordered*, that the petition be referred to the committee of Propositions and Grievances.

The bill directing a Court of Oyer and Terminer for the county of Wake, was read the third time and passed—*ordered*, that the bill be engrossed.

The House proceeded to the unfinished business of yesterday; and the question of indefinite postponement of the Resolutions presented by Mr. Fisher, recurring, and debate arising thereon, Mr. Stanly moved that the House adjourn until to-morrow morning, 10 o'clock.

The remaining orders of the day were further postponed; and  
The House adjourned until to-morrow morning, 10 o'clock.

Thursday, December 11, 1823.

A message from the Senate, by their Clerk Assistant, informing that the Senate had passed a bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose; also a bill to repeal so much of the several acts of the Assembly of this State, as require persons who complain of injury done to the health of their

families to petition to the County Court; and also a bill to compel an executor or executrix to give security in certain cases, and asking the concurrence of this House.

The bill to repeal so much of the several acts of Assembly of this State, as require persons who complain of injury done to the health of their families, to petition to the County Court; also the bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose; also the bill to compel an executor or executrix to give security in certain cases, were severally read for their first readings, and the question, shall the said bills pass, was determined in the affirmative.

Mr. Jones, of Warren, presented a bill to amend an act, entitled "an act for raising a fund for erecting the buildings, and for the support of the University of North-Carolina."

Mr. Alford presented a bill to establish and incorporate Lumberton Academy, in the county of Robeson.

These bills were read the first time and passed.

Mr. Alston, from the joint select committee, to whom was referred a resolution concerning the several Incorporated Banks in this State, made a report, which being read, was on motion, ordered to lie on the table, and be printed with the accompanying documents.

Mr. Alston presented a bill compelling the Banks of this State to pay specie. On motion, *ordered*, that the bill be printed, and lie on the table.

The resignation of Thomas Jarvis, Justice of the Peace for the county of Currituck, was read and accepted.

Mr. Stanly presented a bill to establish Courts of Equity separate from the Courts of Law within this State. On motion, *ordered*, that the bill be referred to the joint committee of both Houses on the Judiciary, and be printed.

Mr. Mebane, from the select committee to whom the petitions of John Ray and the heirs of John Rice, dec. were referred, made reports thereon favourable to the prayers of the petitions, recommending the adoption of resolutions directing the Comptroller to deliver to them, respectively, warrants for 5000 acres of land each, which are detained for non-payment in his office, on the production of a receipt from the Public Treasurer that they had paid each, into his office, the sum of five hundred dollars. The question to concur with the reports, passed in the affirmative.

The House, agreeably to the order of the day, resumed the consideration of the unfinished business of yesterday; and the question of indefinite postponement of the resolutions presented by Mr. Fisher recurring, the question, shall the said resolutions be indefinitely postponed, passed in the affirmative—Yea 82—Nays 46. The Yeas and Nays called for by Mr. Iredell.

Those who voted in the affirmative, are

YEAS—Messrs. Ashe, W. D. Barnard, Blackledge, J. M. Bryan, Brown, Bowers<sup>s</sup>, Baker, T. Bell, C. Barnard, Brodnax, Bynum, Barrow, Brower, S. A. Bryan, L. Cherry, Copeland, Cole, Clancy, Davis, Davenport, Elliott, Fox, Frederick, Forbes, Gary, Gordon, Holland, Hoover, Howell, Horton, Hassell, R. A. Jones, Jeter, Jarman, R. H. Jones, Kilpatrick, Leonard, Lowrie, Lamon, Lewis, Mhoon, Melvin, Miller, M'Cauley, M'Daniel, T. N. Mann, R. Martin, E. Mann, Mewborn, Oliver, Pugh, Roane, Rainey, Ramsay, Stedman, Stephens, Stewart, Seawell, Sidbury, Sellers, Smith, Strange, Tillet, Taylor, Thompson, Turner, W. Underwood, D. Underwood, Vann, Webster, S. Whitaker, Walton, Worth, White, Watson, J. G. A. Williamson, Webb, Wright, L. P. Williamson, Walker, Whitehurst, W. Walton—82.

Those who voted in the negative, are

NAYS—Messrs. Alston, Alford, E. H. Bell, Bodenhamer, Baine, Brooks, Beall, Collins, Conrad, Croom, J. Cherry, Carson, Clement, Campbell, Dargan, Edmondson, Edwards, Flynt, Fisher, J. Gordon, Graham, Hargrave, J. L. Hill, Helme, Henderson, Hastings, Hellen, Hunter, J. A. Hill, Iredell, Love, M'Millan, M'Neill, Melchor, M'Lean, Morgan, A. Martin, Mebane, M'Farland, Polk, Shepherd, Stanly, Weaver, White, Ward, Wilder—46.

The remaining orders of the day were further postponed ; and  
The House adjourned until to-morrow morning, 10 o'clock.

*Friday, December 12, 1823.*

On motion of Mr. Shepherd, *ordered*, that a message be sent to the Senate, proposing to ballot this morning for Brigadier-General of the 11th brigade, and informing that Thomas G. Polk, John N. Phifer and John Dargan are in nomination for the appointment.

Mr. Joseph Hill presented the petition of George Moore and others, praying that the Secretary of State issue them a military land warrant. *Ordered*, that the petition be referred to Mr. Jo. Hill, Mebane, Ward, Blackledge, and Jeter.

Mr. Mebane, from the committee to whom the petition of John S. Russwurm was referred, reported favorably to the prayer of the petition, recommending the passage of a resolution directing the Secretary of State to issue to him a military land warrant for 735 acres of land.

Mr. Mebane, also from the same committee, to whom was referred the petition of Job Gargis, reported favorably to the prayer of the petition, recommending the passage of a resolution, directing the Secretary of State to issue to him a military land warrant for 274 acres of land.

The question to concur with the reports and resolutions, passed in the affirmative.

Mr. Lowrie presented a bill to alter the time of holding certain terms of the Courts therein mentioned. The bill was read the first time and passed.

The resignation of Shubal Gardner, Colonel Commandant of cavalry of the 6th brigade of militia, was presented, read and accepted.

A message from the Senate, informing that Mr. M'Dowell and Mr. Hatch, of Wayne, attend this House as a committee on their

part, to conduct the balloting for Brigadier-General for the 11th brigade.

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Sellers and Mr. Hunter form a committee to conduct the balloting for Brigadier-General for the 11th brigade, on the part of this House.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the bill to amend an act, passed at the last session of the General Assembly, entitled "an act supplemental to an act, passed at the present General Assembly, entitled an act for the division of Rowan county," reported that it is expedient and necessary that the said bill be passed into a law. The report was concurred in, and the bill read for its second reading and passed.

On motion, *ordered*, that the said bill be read the third time; and the question, shall the said bill pass and be engrossed, was determined in the affirmative.

Mr. Sellers, from the committee appointed to conduct the balloting for Brigadier-General for the 11th brigade, reported, that the committee had performed the duty assigned to them; and that it appeared, on examining the ballots, no person in nomination had a majority of the whole number. The question to concur with the report, was determined in the affirmative.

On motion, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for Brigadier-General for the 11th brigade; and informing that the name of John Dargan is withdrawn from the nomination.

The resignations of David M'Crakin, of Randolph county; and A. Carraway, of Anson county, Justices of the Peace, were presented, read and accepted.

A message from the Senate, informing that they had passed the bill to secure the rights of landlords against tenants holding over after the expiration of their terms, with sundry amendments; and asking the concurrence of this House. The amendments were concurred in, and the Senate informed thereof by message.

A message from the Senate, consenting to ballot immediately for Brigadier-General for the 11th brigade; and informing that Mr. Legrand and Mr. Alexander form a committee on their part, to conduct the balloting.

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Baine and Mr. Lamon form a committee to conduct the balloting on the part of this House.

Mr. T. B. Wright presented a bill to alter part of the line dividing the two regiments of militia in Surry county. The bill was read the first time and passed.

Mr. Elliott presented the petition of Joseph Albertson and others, of the counties of Perquimons and Pasquotank, on the subject of a

turnpike road. On motion, *ordered*, that the said petition be referred to the Committee of Propositions and Grievances.

Mr. Helme, from the committee to whom was referred the bill respecting the reservations to certain Indians in the lands lately acquired by treaty from the Cherokee Indians, reported the bill with an amendment. The amendment was concurred in, and the bill read for its third reading. The question, shall the said bill pass, as amended, was determined in the affirmative. *Ordered*, that the said bill be engrossed and sent to the Senate.

The bill to repeal so much of the several acts of the Assembly of this State, as require persons who complain of injury done to the health of their families, to petition to the County Court, was read the second time; and the question, shall the said bill pass, was determined in the negative—Yeas 41, Nays 79. The Yeas and Nays called for by Mr. Stedman.

Those who voted in the affirmative are,

YEAS—Messrs. Alford, J. M. Bryan, Brown, E. Bell, Bowers, Baker, Brooks, Carson, Clement, Campbell, Clancy, Davenport, Elliott, Fisher, Graham, Hargrave, Henderson, Hoover, Hellen, J. H. Hill, Iredell, R. H. Jones, Lowrie, Love, McMillan, McBane, McDaniel, E. Mann, Pugh, Shepherd, Stanly, Taylor, Turner, Webster, Watson, S. Whitaker, Worth, Ward, Wilder, Walker, Whitehurst—41.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alston, W. D. Barnard, Blackledge, Bodenhamer, Baine, T. Bell, C. Barnard, Beall, Brodnax, Bynum, Barrow, Brower, Conrad, L. Cherry, Croom, Copeland, J. Cherry, Cole, Davis, Dargan, Edwards, Fox, Forbes, J. Gordon, Gary, N. Gordon, J. L. Hill, Holland, Howell, Horton, Hastings, Hunter, Hassell, R. A. Jones, Jeter, Jarman, Kilpatrick, Leonard, Lamon, Lewis, Mhoon, Melvin, McNeill, Melchor, McLean, Miller, Morgan, McCauley, A. Martin, R. Martin, McFarland, Mewborn, Ormond, Oliver, Polk, Rainey, Ramsey, Stedman, Stephens, Stewart, Seawell, Sidbury, Sellers, Smith, Tillett, Thompson, W. Underwood, D. Underwood, Vann, Jo. White, Weaver, J. Walton, Jno. White, J. G. A. Williamson, Webb, Wright, L. P. Williamson, Wm. Walton—79.

The remaining orders of the day being further postponed,  
The House adjourned until to-morrow morning, 10 o'clock.

*Saturday, December 13, 1823.*

Mr. Lamon, from the committee appointed to conduct the balloting for Brigadier-General of the 11th brigade, reported, that the committee had performed the duty assigned to them; and that on examining the ballots, it appeared that neither of the candidates had a majority of the whole number. The question to concur with the report was determined in the affirmative.

Mr. Frederick presented a bill to incorporate Friendship Academy, in the county of Duplin; which was read the first time. *Ordered*, that the said bill be read a second time. The question, shall the said bill pass for its first and second readings, was determined in the affirmative.

Mr. Hellen presented the petition of Isaiah Davis and others, praying to be remunerated for services rendered as soldiers in the

year 1777. On motion, *ordered*, that the petition be referred to the select committee to whom was referred the petition of George Moore and others.

The House resumed the consideration of the report of the Committee on the Judiciary, ordered to lie on the table, on the expediency of amending the road laws, so as to supersede the necessity of the same being given in charge to Grand Juries. The report was read and concurred in.

Mr. Leonard presented a bill concerning public roads, and to prevent perjuries respecting them. The bill was read the first time and rejected.

On motion, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for Brigadier-General in the 11th brigade; and informing that Mr. Pugh and Mr. Thompson attend the Senate as a committee to conduct the balloting on the part of this House.

Mr. M'Farland presented a bill to amend an act, passed in the year 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county." The bill was read the first time and passed.

A message from the Senate, consenting to ballot for Brigadier-General of the 11th brigade, and informing that Mr. Wall and Mr. D'Dowell form a committee on their part, to conduct the balloting.

Mr. Croom presented the petition of Philip Miller, of Lenoir county, stating that a slave of his had been convicted of murder in the Superior Court of Lenoir county, and executed; and praying that the expense of maintaining said slave, while in jail, be refunded to him. *Ordered*, that the petition be referred to the Committee of Claims.

The resignations of William Welsh, Colonel Commandant of the militia of Haywood county; and George E. Houston, Major of the militia of Duplin county, were read and accepted.

The bill to amend an act, entitled "an act for raising a fund for erecting the buildings, and for the support of the University of North-Carolina," was read the second time. Mr. Jones, of Warren, moved that the bill be amended, by striking out the whole, except the words "a bill," and substituting an amendment. The question to concur with the amendment, passed in the affirmative. Mr. Blackledge moved that the bill be indefinitely postponed. The question thereon, was determined in the negative. The bill was then put on its passage; and the question, shall the said bill pass, was determined in the affirmative.

Mr. Thompson, from the committee appointed to conduct the balloting for Brigadier-General for the 11th brigade, reported, that the committee had performed the duty assigned them; and that it appeared, on examining the ballots, a majority of the whole number was found to be in favor of John N. Phifer, who was duly elected. The question to concur with the report, passed in the affirmative.

Mr. Worth presented a bill for the relief of the securities of Abner Hanner, late Sheriff of Guilford county. The bill was read the first time and passed.

Mr. W. Underwood presented the petition of Jacob Johnston, praying to be divorced from his wife Hannah. *Ordered*, that the petition be referred to the Committee of Propositions and Grievances.

Mr. Stanly, from the Committee on the Judiciary, to whom was referred the bill fixing the time for giving notice to endorsers of bonds and notes, in certain cases, reported, that in the opinion of the committee, it is inexpedient to make any alteration in the laws in that respect; and recommended that the bill be rejected. On motion, *ordered*, that the report lie on the table.

The bill to alter the time of holding certain terms of the Courts therein mentioned; also the bill to compel an executor or executrix to give security in certain cases, were read the second time and passed.

A message from the Senate, proposing to ballot immediately for a Board of Internal Improvements; and informing that Montfort Stokes, Duncan Cameron, Thomas Turner, Durant Hatch, John Owen, and John D. Hawkins, are nominated for the appointment. The question to concur with the message, passed in the negative.

The bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose; the bill to authorise the building of a toll-bridge over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose, were read the second time, and the last amended; and debate arising thereon, a motion for adjournment occurring,

The remaining orders of the day were further postponed; and The House adjourned until Monday morning, 10 o'clock.

*Monday, December 15, 1823.*

On motion Mr. Strange, *ordered*, that the survey of the town of Fayetteville, as returned under the act of Assembly of 1821, as amended by the act of 1822, be confirmed and deposited in the office of the Secretary of State.

Mr. Webb presented the following resolution:

*Resolved*, That the Public Treasurer pay to John Barnett, Sheriff of Person county, seventeen dollars and eighty cents, for 89 insolvents for the year 1821.

*Ordered*, that the resolution be referred to the Committee of Claims.

Mr. Alston presented the petition of Richard A. M'Kee, of Georgia, praying for a military land warrant.

Mr. Polk presented the petition of several citizens of Mecklenburg, on the subject of a public road in said county. *Ordered*, that these petitions be referred, the former to the select committee to

whom was referred the petition of John Rhein, the latter to the Committee of Propositions and Grievances.

Mr. Pugh presented a bill to amend and continue in force an act, passed in the year 1820, entitled "an act appointing Commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes." The bill was read the first time and passed.

Mr. Williamson, of Northampton, presented the following resolution :

*Resolved*, That no bill which has been, or hereafter may be rejected, shall be reconsidered during the present session.

Mr. Beall moved that the resolution be indefinitely postponed. The question thereon, passed in the affirmative.

The bill compelling Banks of this State to pay specie, was read the first time and passed.

The resignation of Thomas G. Polk, Justice of the Peace for the county of Mecklenburg, was presented, read and accepted.

On motion, *ordered*, that Mr. Helme have leave of absence for this day.

The House, agreeably to the order of the day, proceeded to the unfinished business of yesterday ; and the bill to authorise the building of a toll bridge over Roanoke river, at the town of Halifax, and to incorporate a company for that purpose, being again read for its second reading, Mr. Bynum moved to amend it by the insertion of a new section. The question thereon passed in the negative—Yea 51—Nays 67. The Yeas and Nays were called for by Mr. Ashe.

Those who voted in the affirmative, are

YEAS—Messrs. Ashe, Blackledge, Bodenhamer, Baker, Baine, T. Bell, C. Barnard, Brookes, Beall, Brodnax, Bynum, Barrow, Brower, L. Cherry, Copeland, J. Cherry, Cole, Campbell, Clancy, Dargan, Davenport, Fox, Flynt, J. Gordon, Gary, Hoover, Howell, Hassell, R. A. Jones, Leonard, Love, Mhoon, Melvin, M'Neill, M'Cauley, E. Mann, Stedman, Stewart, Seawell, Sidbury, Tillett, Vann, Webster, J. Walton, J. H. White, Ward, J. G. A. Williamson, L. Williamson, Wilder, Whitehurst, W. Walton—51.

Those who voted in the negative, are

NAYS—Messrs. Alston, Alford, W. D. Barnard, J. M. Bryan, Brown, Bell, Bowers, Collins, Conrad, Croom, Carson, Clement, Davis, Edmondson, Edwards, Frederick, Forbes, Fisher, Graham, N. Gordon, J. L. Hill, Holland, Henderson, W. Horton, Hastings, Hellen, Jeter, Jarman, Fredell, R. H. Jones, Kilpatrick, Lowrie, Lamont, M'Millan, Melchor, M'Lean, Morgan, A. Martin, Mebane, M'Daniel, T. N. Mann, R. Martin, M'Farland, Ormond, Oliver, Pugh, Polk, Roane, Rainey, Ramsay, Stephens, Shepherd, Sellers, Smith, Strange, Stanly, Taylor, Turner, W. Underwood, D. Underwood, Jo. White, Whitaker, Weaver, Worth, Watson, Webb, Walker—67.

The bill was put on its passage, and the question, shall the bill pass, was determined in the affirmative.

The bill to repeal the 44th section of an act passed in the year 1741, entitled an act concerning servants and slaves ; also a bill to amend an act passed in the year 1822, entitled an act to amend an act passed in the year 1815, entitled an act to incorporate a compa-

ny and make a turnpike road from Pungo Creek, in Hyde county, to the town of Plymouth, in Washington county; also the bill providing for the payment of Jurors in the Supreme Court of this State, were respectively read the second time; and the question, shall the said bills pass, was determined in the affirmative.

The bill to establish a Bank of the State of North-Carolina, was read the first time; Mr. Graham moved that the bill be postponed indefinitely. The question thereon passed in the affirmative—  
Yeas 71—Nays 51. The Yeas and Nays called for by Mr. Alston.

Those who voted in the affirmative, are

YEAS—Messrs. Alford, Blackledge, J. M. Bryan, Brown, Bowers, Bodenhamer, Brodnax, Bynum, Brower, S. A. Bryan, Conrad, Croom, Carson, Cole, Clement, Campbell, Clancy, Davis, Edmondson, Edwards, Elliott, Fox, Flynt, Fisher, Gary, Graham, N. Gordon, Hargrave, Holland, Howell, Henderson, Hastings, Hellen, J. A. Hill, R. A. Jones, Jeter, Jarman, Iredell, R. H. Jones, Lowrie, Lamon, Mhoon, Melvin, Melchor, M'Millan, M'Lean, Mcbane, M'Daniel, T. N. Mann, M'Farland, Pugh, Polk, Stedman, Stephens, Stewart, Sidbury, Shpheard, Sellers, Smith, Stanly, Taylor, Turner, S. Whitaker, Weaver, J. H. White, W. Watson, J. G. A. Williamson, Webb, Wilder, L. P. Williamson, Walker—71.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alston, W. D. Barnard, E. H. Bell, Baker, Baine, T. Bell, C. Barnard, Brookes, Beall, Barrow, Collins, L. Cherry, Copeland, J. Cherry, Dargan, Davenport, Frederick, Forbes, J. Gordon, J. L. Hill, Hoover, W. Horton, Hassel, Kilpatrick, Leonard, Love, M'Neill, Morgan, M'Cauley, A. Martin, R. Martin, E. Mann, Mebane, Oliver, Roane, Ramsay, Seawell, Tillett, Thompson, W. Underwood, D. Underwood, Vann, Webster, Jo. White, J. Walton, Worth, Ward, Wright, Whitehurst, W. Walton—51.

The remaining orders of the day being further postponed,  
The House adjourned until to-morrow morning, 10 o'clock.

*Tuesday, December 16, 1823.*

Mr. Jeter presented the following resolution :

Whereas, great inconvenience is felt by the citizens of this state, in rendering a list of their lands, and affixing the value thereof to the Justice of the Peace, which has rendered the law inoperative in producing the effect desired; and

Whereas, great public loss is sustained by the revenue in the unjust and unequal value that is assessed upon the lands in this state; therefore,

*Resolved*, that the committee of Finance be instructed to enquire into the expediency of providing by law, that two freeholders be associated with the Justice of the Peace in valuing the lands.

The resignation of Sion Alford, a Justice of the Peace for Robeson county, was read and accepted.

Mr. Ward, from the committee of Claims, to whom was referred the petition of John Smithwick, of Martin county, made a report unfavorable to the prayer of the petition, recommending its rejection. The question to concur with the report, passed in the affirmative.

The resignation of Thomas G. Polk, Colonel Commandant of the Regiment of Cavalry attached to the 11th brigade of militia; and J. J. Cox, a Justice of the Peace for Lenoir county, were read and accepted.

On motion of Mr. Mebane, *ordered*, that the several references lying on file, to the select committee on Internal Improvements, be sent to the Senate, with a message, proposing to refer them to the joint select committee of both Houses on that subject.

Mr. Polk presented a bill to incorporate New Providence Library Company.

Mr. Strange presented a bill to repeal an act to establish a Court of Probate in the county of Cumberland, and for other purposes.

Mr. Campbell presented a bill to compel the attendance of persons summoned to attend juries of inquest.

Mr. Brodnax presented a bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of the county of Rockingham.

Mr. Croom presented a bill to authorise Daniel Dougherty, of Lenoir county, to erect a bridge across Neuse river.

These bills were respectively read the first time and passed.

Mr. Mebane presented the petition of John Moring and others, citizens of Chatham county, praying to be annexed to the county of Orange.

Mr. Iredell presented the following resolution :

*Resolved*, That the Public Treasurer pay to Richard T. Brownrigg, late Colonel of the Chowan regiment of militia, the sum of 33 dollars, the expense of cleaning and repairing certain arms belonging to the State; which expense was incurred in pursuance of orders from the Adjutant-General, founded on a resolution of the General Assembly, passed the 21st of December, 1818; and that the Treasurer be allowed the same in the settlement of his accounts.

*Ordered*, that the petition from Chatham, be referred to the Committee of Propositions and Grievances; and the resolution to the Committee of Claims.

The resignation of Stephen Miller, Colonel Commandant of the militia of Duplin county, was read and accepted.

Mr. Hill, of New-Hanover, from the special committee to whom was referred the petition of George Moore and others, reported unfavorably to the prayer of the petition, recommending its rejection. The question to concur with the report, passed in the affirmative.

Mr. Martin, of Rockingham, from the Committee of Claims, to whom was referred the petition of Philip Miller, of Lenoir county, reported unfavorably to the prayer of the petition, recommending its rejection. The question to concur with the report, passed in the affirmative.

Mr. Martin, from the same committee, to whom was referred a resolution in favor of John Barnett, Sheriff of Person county, reported favorably, recommending the passage of a resolution, allowing him the sum of 17 dollars and 80 cents. The resolution was read the first time and passed.

Mr. Ward, from the Committee of Claims, to whom was referred the petition of John Rhem and others, reported unfavorably, recommending its rejection; and

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of Aaron Albertson and others, reported unfavorably to the prayer, recommending its rejection.

The question to concur with the reports, passed in the affirmative.

Mr. Martin, from the Committee of Claims, to whom was referred the petition of Joseph Medley, Sheriff of Anson county, reported favorably to the prayer of the petition, recommending the passage of a resolution, directing the Treasurer to pay to him the sum of fifteen dollars and eighty cents. The resolution was read the first time and passed.

On motion of Mr. Stanly, *ordered*, that the bill to compel an executor or executrix to give security in certain cases, be referred to the Committee on the Judiciary.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of Beaufort county, reported favorably to the prayer of the petition, recommending the passage of a bill to carry its object into effect, entitled "a bill to exempt certain citizens of the county of Beaufort from certain duties." The report was concurred in, and the bill read the first time and passed.

Mr. Blackledge presented the petition of Susan Price, wife of Washington Price, praying that time be given to her to procure counter testimony on his application for a divorce.

Mr. Sellers presented the petition of Annis Blackman, of Sampson county, praying for the passage of a law to secure to her such property as she may hereafter acquire.

*Ordered*, that these petitions be referred to the Committee of Propositions and Grievances.

Mr. Sellers presented the petition of sundry inhabitants of Sampson county, praying for an appropriation of money to enable them to clear out the Great Cohara Swamp. *Ordered*, that the petition be referred to the joint committee on Internal Improvements.

On motion of Mr. Baine,

*Resolved*, That the Committee of Propositions and Grievances be instructed to enquire into the expediency of reducing the salaries of the Supreme Court Judges from 2500 dollars to 2000 dollars; and that they report by bill or otherwise.

Mr. Hill, of New-Hanover, from the select committee to whom was referred the petition of Isaiah Davis and others, reported unfavorably to the prayer of the petition, recommending its rejection. The question to concur with the report, passed in the affirmative.

The resignations of John Leach, Justice of the Peace, of the county of Johnston; and John Dargan, Major of the second regiment of Montgomery county militia, were read and accepted.

The bill concerning the duties of guardians; also the bill to amend an act, entitled "an act for raising a fund for erecting the

buildings, and for the support of the University of North-Carolina, were read the third time; and, on motion, ordered to be postponed indefinitely.

Received from His Excellency the Governor, by his Private Secretary, the following communication:

RALEIGH, December 15, 1823.

*To the Honourable the General Assembly of the State of North-Carolina.*

GENTLEMEN—As President ex-officio of the Board of Trustees of the University of North-Carolina, I beg leave to present for your consideration, the documents passed on by that body—not doubting but you will give such protection as may seem advisable for the interest of that important institution.

I have the honor to be, gentlemen, your ob't serv't,

GAB'L HOLMES.

On motion, ordered, that the communication, with the documents accompanying, be referred to a select committee, consisting of Messrs. R. H. Jones, Mebane, Blackledge, Pugh, and M'Capley.

A message from the Senate, by their Clerk Assistant, informing that they had passed a bill to amend an act, passed in the year 1821, entitled an act to compel the Clerks of the Superior and County Courts of Surry county, to keep their offices at the Court-House, in the town of Rockford; also the bill to amend an act, passed in the year 1795, entitled "an act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a Court-House, Prison and Stocks; also a bill to amend an act, passed in 1820, for the better organization of the militia of Beaufort county; also a bill securing to Jane Wellborn, of Randolph county, and Sarah Pinnex, of Surry county, the property they may hereafter acquire; also a bill to authorise the erection of the public buildings of Washington county, at Plymouth; also a bill for the regulation of the Court of Pleas and Quarter Sessions of the county of Buncombe; also a bill to establish a Light Infantry or Volunteer Company in the county of Richmond; also a bill to alter the names of Charles Alexander Williams, and others, and to legitimate them; also a bill to amend an act, passed in the year 1813, entitled an act to exempt vessels under sixty tons burthen, entering the Cape-Fear river, from paying pilotage; also a bill to authorise Alexander Long to erect and keep up a gate on the road leading by his lower ferry, on the Yadkin river; also a bill to amend the inspection laws of this State, so far as respects turpentine; also a bill to legitimate Helen Godley, Mehala Godley, and Benjamin Godley; and a resolution in favor of Thomas Elliott, of Mecklenburg county; and asking the concurrence of this House.

The following bills were read the first time, to-wit: a bill to establish a light infantry or volunteer company in the county of Richmond; also a bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe; also a bill securing to Jane Wellborn, of Randolph county, and to Sarah Pinnex, of Surry coun-

ty, the property they may hereafter acquire ; also a bill to amend an act passed in the year 1820, for the better organization of the militia of Beaufort county ; also a bill to amend an act passed in the year 1815, entitled an act for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon, a court-house, prison and stocks ; also a bill to amend an act passed in 1821, entitled an act to compel the Clerks of the Superior and County Court of Surry to keep their offices at the court-house in the town of Rockford ; also a bill to alter the names of Charles Alexander Williams and others, and to legitimate them ; also a bill to legitimate Helen Godley, Mehala Godley, and Benjamin Godley ; also a bill to amend the inspection laws of this State, so far as respects turpentine ; also a bill to amend an act passed in the year 1813, entitled an act to exempt vessels under sixty tons burthen entering the Cape-Fear river, from paying pilotage ; and also a bill to authorise Alexander Long to erect and keep up a gate across the road, in Rowan county ; and the question, shall the said bills pass, was determined in the affirmative.

The bill to authorise the erection of the public buildings of Washington county, at Plymouth, was read the first time and passed. On motion, *ordered*, that the bill and the papers appertaining thereto, be referred to Messrs. Alston, Walker, Davenport, Blackledge, and Ormond.

The resolution in favour of Thomas Elliott, of Mecklenburg county, who was placed on the pension list in the year 1819, directing the Public Treasurer to pay to him the further sum of 25 dollars annually, in addition to the sum now allowed, was read the first time and passed.

Mr. J. White presented a bill to repeal the 7th section of an act passed in the year 1822, authorising certain counties therein mentioned, to appoint a committee of finance, so far as respects the county of Anson. The bill was read the first time and passed.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of sundry inhabitants of the state, praying for the passage of a law specifying what punishment shall be inflicted on those who violate the provision of the Constitution, which provides, "all persons shall be at liberty to exercise their own mode of worship," reported, that in the opinion of the committee, the existing laws amply provide a remedy in the case—and praying to be discharged from the further consideration of the case. The question to concur with the report passed in the affirmative.

The House took up the resolution presented by Mr. Beall on the 28th ult. for the appointment of a select committee to enquire into the expediency of repealing the act of the General Assembly of 1815, providing for the election of Electors to vote for a President and

Vice-President of the United States by general ticket, &c.—Which being read, Mr. Leonard moved that the further consideration thereof, be postponed indefinitely; the question thereon passed in the affirmative—Yea 78—Nays 45. The Yeas and Nays called for by Mr. Baker. Those who voted in the affirmative, are

YEAS—Messrs. Alston, W. D. Barnard, Blackledge, J. M. Bryan, Brown, Bowers, Baker, T. Bell, C. Barnard, Brodnax, Bynum, Barrow, Brower, L. Cherry, Cole, Copeland, Clancy, Davenport, Edmondson, Elliott, Fox, Frederick, Forbes, Fisher, Garey, Graham, N. Gordon, Hoover, Henderson, Horton, Hassell, R. A. Jones, Jeter, Jarman, Iredell, R. H. Jones, Leonard, Lamon, Lowrie, Lewis, Mhoon, Melvin, Miller, M'Cauley, T. N. Mann, R. Martin, E. Mann, Mewborn, Oliver, Pugh, Rainey, Ramsey, Stedman, Stephens, Stewart, Sidbury, Sellers, Strange, Tillett, Taylor, Turner, Thompson, W. Underwood, D. Underwood, Vann, Webster, S. Whitaker, J. Walton, J. H. White, Watson, Ward, J. G. A. Williamson, Webb, L. P. Williamson, Wright, Walker, Whitehurst, W. Walton—78.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alford, E. H. Bell, Bodenhamer, Beall, Baine, Brooks, Conrad, Croom, J. Cherry, Clement, Carson, Campbell, Davis, Dargan, Edwards, Flynt, J. Gordon, Hargrave, J. L. Hill, Holland, Helne, Howell, Hastings, Hellen, J. A. Hill, Kilpatrick, Love, M'Millan, M'Neill, Melchor, McLean, Morgan, A. Martin, Mebane, M'Daniel, M'Farland, Shepherd, Seawell, Smith, Stanly, J. White, Weaver, Worth, Wilder—45.

The remaining orders of the day were further postponed; and The House then adjourned until to-morrow morning, 10 o'clock.

*Wednesday, December 17, 1823.*

On motion of Mr. Alston, *ordered*, that the committee to whom was referred the petition of Richard A. M'Kee, of Georgia, be discharged from the consideration thereof, and that the said petition be referred to the Secretary of State.

Mr. Miller presented a bill to regulate the Courts of Pleas and Quarter Sessions of Duplin county.

Mr. Sidbury, a bill to increase constables fees in the county of New Hanover.

And Mr. Campbell, a bill to amend an act passed in the year 1817, entitled an act for the better protection of the health of the inhabitants of the town of Smithville and its vicinity, in Brunswick county.

On motion of Mr. Lamon, *ordered*, that a message be sent to the Senate, proposing that appointments of Field Officers and Justices of the Peace, be made this evening at 4 o'clock.

On motion, *ordered*, that the committee appointed to revise and correct all bills on their second readings, be discharged from the further performance of that duty.

The resignation of A. R. Jones, Justice of the Peace for the county of Rowan, was read and accepted.

The bill for the relief of Jordan Denson, late Sheriff of Franklin, was read the second and third time, passed, and ordered that the bill be enrolled.

Mr. Moon presented a bill concerning the duty of ferrymen across Albemarle Sound and its waters.

And Mr. Seawell presented a bill concerning the Courts of Pleas and Quarter Sessions of Moore.

These bills were read the first time and passed.

Mr. A. Martin presented the petition of Sarah Brewer, of Moore county, praying for the passage of a law securing to her such property as she may hereafter acquire. *Ordered*, that the petition be referred to the committee of Propositions and Grievances.

A message from the Senate, by their Clerk Assistant, informing that they had passed a bill to authorise and empower the commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes; and a bill to authorise certain persons therein named to collect arrearages of taxes—and asking the concurrence of this House.

A message from the Senate, agreeing to refer certain papers on the subject of Internal Improvements, to the joint committee of both Houses on that subject.

Mr. Ward, from the committee of Claims, to whom was referred the resolution in favour of Richard T. Brownrigg, reported favourably, recommending that the Public Treasurer pay to him the sum of 33 dollars. The resolution was read the first time and passed.

Mr. Baker presented the following resolution :

*Resolved*, that it is the opinion of this Legislature that it will be to the advantage of the State of North-Carolina to discharge Hamilton Fulton, Civil Engineer, from any further services, after the first of January, 1824, and that the contract made by the Board of Internal Improvement with the said Civil Engineer, cease the first day of January aforesaid, any law to the contrary notwithstanding.

On motion, *ordered*, that the resolution lie on the table.

The bill to authorise certain persons therein named to collect arrearages of taxes, was read the first time and rejected.

The bill to authorise and empower the commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes, was read the first time and passed.

Mr. Mewborn presented a bill to establish a poor-house in the county of Chowan. The bill was read the first time and passed.

A message from the Senate, consenting to appoint Field Officers and Justices of the Peace, this evening, as proposed by this House.

Mr. Ashe presented a bill concerning the Sheriff of Cumberland county, and Special Justices of Fayetteville. The bill was read the first time and passed.

The bill to amend an act passed in the year 1822, entitled an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo Creek, in Hyde county, to the town of Plymouth, in Washington county; also the bill providing for the

payment of Jurors in the Supreme Court of this State ; also the bill to amend an act passed in 1789, to amend an act, entitled an act concerning the proving of wills, granting letters of administration, and to prevent frauds in the management of intestate estates, were severally read the third time, and on motion, the said bills were postponed indefinitely.

The bill to authorise the payment of money to Clerks of Courts of Record, in certain cases ; also the bill to amend an act, entitled "an act regulating descents," passed in the year 1808 ; also the bill to amend an act, entitled "an act to provide for children born after the making of their parents' will," passed in the year 1808. These bills were respectively read the third time and passed—the two former to be engrossed, and the latter enrolled.

The bill to amend the inspection laws of this state, so far as respects turpentine ; also the bill to amend an act passed in the year 1813, entitled "an act to exempt vessels under sixty tons burthen entering the Cape-Fear river from paying pilotage," were read the second time, and on motion postponed indefinitely.

The bill to continue in force an act passed in the year 1822, concerning the entries of land in this state, was read the third time, and on motion of Mr. Stanly, postponed indefinitely—Yea 67—Nays 53. Yea and Nays called for by Mr. Leonard.

Those who voted in the affirmative, are

YEAS—Messrs. Alston, W. D. Barnard, Blackledge, J. M. Bryan, Brown, E. H. Bell, Bodenhamer, T. Bell, C. Barnard, Bynum, Brooks, Barrow, L. Cherry, Croom, Copeland, J. Cherry, Cole, Campbell, Davis, Edwards, Elliott, Frederick, Forbes, J. Gordon, Gary, Howell, Hastings, Hellen, Hassell, J. A. Hill, R. A. Jones, Jarman, Irell, R. H. Jones, Kilpatrick, Leonard, Lamon, Lewis, McLean, Melvin, A. Martin, Miller, McDaniel, E. Mann, Newborn, Ormond, Oliver, Pugh, Stedman, Stephens, Sisbury, Sellers, Smith, Stanly, Tillett, D. Underwood, Vann, Webster, J. White, J. H. White, Watson, W. Walton, J. Walton, Ward, Wilder, L. P. Williamson, Whitehurst—67.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alford, Bowers, Baker, Baine, Beall, Brodnax, Brower, Collins, Conrad, Carson, Clancy, Edmondson, Fox, Flynt, Fisher, Graham, N. Gordon, Hargrave, Holland, Hoover, Horton, Jeter, Lowrie, Love, Mhoon, McMillan, McNeill, Melchor, Morgan, McCauley, Mebane, T. N. Mann, R. Martin, McFarland, Polk, Rainey, Roane, Ramsay, Stewart, Seawell, Shepherd, Strange, Taylor, Thompson, Turner, W. Underwood, Whitaker, Weaver, Worth, J. G. A. Williamson, Wright, Webb—53.

The House then adjourned until 4 o'clock, P. M.

#### *Evening Meeting.*

On motion of Mr. Turner, ordered, that a message be sent to the Senate, proposing to ballot this evening for Major of Cavalry attached to the 17th brigade, and informing that Wm Davis is nominated for the appointment.

A message from the Senate, consenting to ballot for Major of Cavalry attached to the 17th brigade, and informing that Messrs. Wil-

liams and Hawkins form a committee on their part to conduct the balloting.

On motion, *ordered*, that a message be sent to the Senate, informing that Messrs. Leonard and Lewis form a committee on the part of this House, to conduct the balloting for Major of Cavalry attached to the 17th brigade.

The remaining orders of the day were further postponed; and The House adjourned until to-morrow morning, 10 o'clock.

*Thursday, December 18, 1823.*

On motion of Mr. Polk, *ordered*, that a message be sent to the Senate, proposing to ballot this morning for Councillors of State for the ensuing year, and informing that Wm Davidson, Edmond Jones, Thomas Wynns, Gideon Alston, Theophilus Lacey, Wm Blackledge and David Gillespie, are nominated for the appointments.

A message from the Senate, consenting to ballot for Councillors of State for the ensuing year, and informing that Mr. Hatch, of Wayne, and Mr. Bryan attend this House as a committee to conduct the balloting.

On motion, *ordered*, that the Senate be informed by message, that Mr Brodnax and Mr. Brown wait on the Senate as a committee on the part of this House to conduct the balloting for Councillors, and that the names of Allen Rogers and George Washington Jeffreys are added to the nomination.

Mr. Leonard, from the committee appointed to conduct the balloting for Major of Cavalry attached to the 17th brigade, reported, that the committee had performed the duty assigned to them; and that on examining the ballots, the majority of the whole number was found to be in favor of William Davis, who was duly elected. The question to concur with the report, passed in the affirmative.

Mr. J. White presented a bill to extend the time for registration of grants, mesne conveyances, bills of sale and deeds of gift. The said bill was read the first time and passed.

Mr. Fisher, who voted in the affirmative yesterday, on the question of indefinite postponement of the bill to amend an act, passed in the year 1813, entitled "an act to exempt vessels under sixty tons burthen, entering the Cape-Fear river, from paying pilotage," moved that the House do reconsider that vote. The question thereon passed in the affirmative, and the bill was ordered to be referred to Messrs. Campbell, J. A. Hill, Leonard, Ward, and Pugh.

Mr. Clement presented a bill to amend an act, entitled "an act directing the time and place of selling lands and slaves under execution;"

Mr. Roane a bill concerning the road from Fayetteville to Mogauntown;

**Mr. Martin**, of Rockingham, a bill to authorise the County Court of Rockingham to appoint some person to collect the arrears of taxes due for the years 1821 and 1822;

**Mr. Miller**, a bill to establish a poor and work-house in the county of Duplin.

These bills were severally read the first time and passed.

**Mr. Pugh** presented a bill concerning wrecks and wreck property in Hyde county; also a bill to amend an act, passed in the year 1813, entitled "an act to alter and regulate the annual elections in Hyde county."

These bills were each read for their first and second readings, and passed.

The resignation of James H. Morrison, Justice of the Peace for the county of Mecklenburg, was read and accepted.

The bill to authorise the erection of the public buildings of Washington county at Plymouth, was read the second time. **Mr. Davenport** moved that the bill be postponed indefinitely. The question thereon, passed in the affirmative—Yea 67—Nays 52. The Yeas and Nays called for by **Mr. E. Mann**.

Those who voted in the affirmative are,

YEAS—Messrs. W. D. Barnard, Brown, E. H. Bell, Bowers, Baker, T. Bell, Beall, Barrow, Brower, Bright, L. Cherry, J. Cherry, Clement, Davis, Davenport, Elliott, Edwards, Flynt, Frederick, Forbes, Fisher, J. Gordon, N. Gordon, Helme, Hoover, Howell, Horton, Hastings, Hassell, Jeter, Kilpatrick, Leonard, Lamon, Lewis, Melvin, M'Millan, M'Neill Melchor, M'Lean, Morgan, A. Martin, Mebane, M'Daniel, E. Mann, M'Farland, Mewborn, Oliver, Ramsey, Stedman, Sidbury, Sellers, Smith, Tillett, Thompson, D. Underwood, Vann, Webster, Jo. White, Whitaker, Weaver, J. Walton, J. H. White, Webb, Wilder, Wright, Wm. Walton—67.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alston, Alford, J. M. Bryan, Bodenhamer, Baine, C. Barnard, Brooks, Brodnax, Conrad, Croom, Copeland, Cole, Carson, Campbell, Clancy, Dargan, Edmondston, Fox, Gary, Graham, Hargrave, J. L. Hill, Holland, Henderson, Hellen, J. A. Hill, R. A. Jones, Jarman, Iredell, R. H. Jones, Lowrie, Love, Mhoon, Miller, M'Cauley, R. Martin, Pugh, Polk, Rainey, Stephens, Seawell, Shepherd, Taylor, Turner, W. Underwood, Jno. Whitaker, Worth, J. G. A. Williamson, L. P. Williamson, Walker, Whitehurst—52.

**Mr. Beall** presented a bill to repeal an act, entitled "an act concerning the marriage of Infant females," passed in 1821; which being read the first time, **Mr. Dargan** moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the affirmative—Yea 102—Nays 18.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Alston, Alford, W. D. Barnard, J. M. Bryan, E. H. Bell, Bowers, Bodenhamer, Baker, Baine, T. Bell, C. Barnard, Brooks, Bynum, Barrow, Brower, Bright, Conrad, L. Cherry, Croom, Copeland, J. Cherry, Carson, Cole, Clancy, Davis, Dargan, Davenport, Edwards, Elliott, Fox, Frederick, Forbes, Gary, Graham, N. Gordon, Hargrave, J. L. Hill, Helme, Hoover, Howell, Henderson, Horton, Hastings, Hellen, Hassell, J. A. Hill, R. A. Jones, Jeter, Jarman, Iredell, R. H. Jones, Kilpatrick, Leonard, Lowrie, Lamon, Mhoon, Melvin, M'Millan, Melchor, M'Lean, Miller, M'Cauley, A. Martin, Mebane, M'Daniel, T. N. Mann, E. Mann, M'Farland,

Newborn, Oliver, Pugh, Polk, Roane, Ramsey, Stedman, Stephens, Stewart, Seawell, Sidbury, Shepherd, Sellers, Smith, Stanly, Tillett, Taylor, Turner, Wm. Underwood, Vann, S. Whitaker, Weaver, J. Walton, Worth, White, Wm. Walton, Ward, J. G. A. Williamson, Webb, Wilder, Wright, Whitehurst, Watson—102.

Those who voted in the negative are,

NAYS—Messrs. Beall, Clement, Edmondson, Flynt J. Gordon, Holland, M'Neill Morgan, R. Martin, Thompson, Webster, Jo. White, L. P. Williamson—13.

Mr. Stanly, from the Committee on the Judiciary, to whom was referred the bill to establish Courts of Equity separate from the Courts of Law within this State, reported the bill with an amendment; which was read and concurred in; and the bill read the first time and passed.

The bill compelling the banks of this state to pay specie, was read the second time. Mr. Helme moved that the bill be indefinitely postponed. The question thereon passed in the affirmative—Yeas 63—Nays 57. The Yeas and Nays called for by Mr. Stedman.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Alford, Blackledge, J. M. Bryan, Brown, E. H. Bell, Bowers, Bodenhamer, Bright, Collins, Conrad, Croom, Carson, Cole, Clement, Campbell, Clancy, Dargan, Edmondson, Edwards, Fox, Flynt, Frederick, Fisher, Graham, Hargrave, Holland, Helme, Howell, Henderson, Hastings, Hellen, J. A. Hill, Jeter, Jarman, Kilpatrick, Lowrie, Melvin, M'Neill, Melchor, Morgan, M'Cauley, A. Martin, Mebane, M'Daniel, R. Martin, M'Farland, Oliver, Roane, Rainey, Ramsey, Stephens, Sidbury, Shepherd, Smith, Strange, Stanly, Taylor, S. Whitaker, Worth, J. H. White, Ward, Whitehurst—63.

Those who voted in the negative are,

NAYS—Messrs. Alston, W. D. Barnard, Baker, Baine, T. Bell, C. Barnard, Brooks, Beall, Brodnax, Bynum, Barrow, Brower, L. Cherry, Copeland, J. Cherry, Davis, Forbes, J. Gordon, Gary, N. Gordon, Hoover, Horton, Hassell, R. A. Jones, Iredell, R. H. Jones, Leonard Love, Lamon, Lewis, Mhoon, M'Millan, M'Lean, T. N. Mann, E. Mann, Newborn, Pugh, Stedman, Stewart, Sellers, Tillett, Thompson, Turner, Wm. Underwood, D. Underwood, Vann, Webster, Jo. White, Weaver, J. Walton, Watson, J. G. A. Williamson, Webb, Wilder, Wright, L. P. Williamson, Wm. Walton—57.

The remaining orders of the day were further postponed; and The House adjourned until to-morrow morning, 10 o'clock.

*Friday, December 19, 1823.*

A message from the Senate, informing that they had passed a bill to amend an act passed in 1822, entitled “an act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie,” so far as the same relates to the county of Moore; also a bill supplemental to an act passed this session of the General Assembly, entitled “an act incorporating Morganton Academy;” also a bill to amend an act, entitled “an act to appoint commissioners to view and lay off the road leading across the mountain from the town of Wilkesborough to Mrs. Bogle's, in Iredell county; a bill to amend an act passed in the year 1816, entitled “an act respecting the Academy and town of Smithville, in Brunswick county;” also a bill to divide the militia of Iredell county into

two regiments; and also a bill to amend an act passed in 1806, entitled "an act for the more uniform and convenient administration of justice within this state," and asking the concurrence of this House.

The bill to amend an act passed in the year 1806, entitled "an act respecting the Academy and town of Smithville, in Brunswick county;" also the bill to divide the militia in the county of Iredell into two regiments; also the bill to amend an act passed in the year 1822, entitled "an act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie," so far as the same relates to the county of Moore; also the bill supplemental to an act passed this session of the General Assembly, entitled "an act incorporating Morganton Academy;" also the bill to amend an act, entitled "an act to appoint commissioners to view and lay off the road leading across the mountain from the town of Wilkesboro' to Mrs. Bogle's, in Iredell county." These bills were severally read the first time and passed.

The bill to amend an act passed in the year 1806, entitled "an act for the more uniform and convenient administration of justice within this State," was read and ordered to lie on the table.

A message from the Senate, informing that they had passed a resolution in favour of Joseph and Ann Wynn, and asking the concurrence of this House.

Mr. Brodnax, from the committee appointed to superintend the balloting for Councillors of State for the ensuing year, reported that they had performed that duty, and that it appeared, on examining the ballots, Wm. Blackledge, Theophilus Lacey, David Gillespie, Wm. Davidson, Thomas Wynns, Gideon Alston, and Edmond Jones, had each, a majority of the whole number, and was duly elected. The report was concurred in.

The resignations of John N. Phifer, Lieutenant Colonel of Cavalry attached to the 11th brigade of the militia; Elisha Spence, Major of the second regiment of the militia of Cumberland county, and Joshua Camp, Justice of the Peace for Rutherford county, were read and accepted.

The bill received from the Senate to repeal an act passed in the year 1822, entitled "an act to regulate the Courts of Pleas and Quarter Sessions in the counties of Cabarrus, Moore and Montgomery," so far as relates to the county of Moore, was read the first, second and third times, passed, amended, and the Senate informed thereof by message.

Mr. Helme, who voted in the affirmative yesterday, on the question of indefinite postponement of the bill to authorise the erection of the public buildings of Washington county, at Plymouth, moved that the House do now reconsider that vote. The question thereon passed in the affirmative. The bill thereon was read for its third reading; Mr. Davenport moved that the bill be indefinitely postponed—

The question thereon was determined in the negative—Yea 39—Nays 77. The Yeas and Nays called for by Mr. E. Manu.

Those who voted in the affirmative, are

YEAS—Messrs. W. D. Barnard, E. H. Bell, Baker, T. Bell, Bowers, C. Barnard, Beall, Barrow, Brower, L. Cherry, J. Cherry, Davenport, Forbes, Hoover, Howell, Horton, Kilpatrick, Love, Lewis, E. Mann, Oliver, Ramsay, Stedman, Sidbury, Smith, Sellers, Tillett, W. Underwood, D. Underwood, Webster, Jo. White, J. H. White, S. Whitaker, Vann, J. Walton, Webb, Wilder, Wright, W. Walton—39.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alston, Alford, Blackledge, J. M. Bryan, Brown, Bodenhamer, Brodmax, Baine, Collins, Conrad, Croom, Copeland, Carson, Clement, Campbell, Cole, Clancy, Davis, Dargan, Edmondson, Fox, Flynt, Fisher, Frederick, Gary, N. Gordon, J. Gordon, Graham, J. L. Hill, Holland, Helme, Henderson, Hastings, Hellen, J. A. Hill, R. A. Jones, Jeter, Jarman, Iredell, R. H. Jones, Lowrie, Mhoon, Melchor, M'Millan, M'Neill, M'Lean, Morgan, Miller, M'Cauley, A. Martin, Mebane, T. N. Mann, M'Daniel, R. Martin, M'Farland, Mewborn, Ormond, Pugh, Polk, Rainey, Shepherd, Seawell, Stephens, Strange, Stanly, Taylor, Turner, Thompson, Weaver, J. Whitaker, W. Watson, J. G. A. Williamson, Ward, L. P. Williamson, Walker, Whitehurst—77.

The bill thereupon, was read the third time and amended, and the question, shall the said bill pass and be enrolled, was determined in the affirmative.

Mr. Webb presented a bill to regulate proceedings on indictments in the Superior and County Courts in this State.

Mr. Mboon, a bill to incorporate Charity Lodge, in Windsor, Bertie county.

And Mr. Bodenhamer, a bill to amend the 4th section of an act, passed at the last session of the General Assembly, entitled an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county.

These bills were severally read for their first readings, and the question, shall the said bills pass, was determined in the affirmative.

Mr. Jones, of Warren, from the select committee to whom was referred the memorial of the Trustees of the University of North-Carolina, made a report thereon, recommending the passage of a bill concerning the University of North-Carolina. The report was concurred in, and the bill reported, read for its first reading and passed.

On motion of Mr. Campbell,

*Resolved*, that a select committee be appointed to enquire into the expediency of granting to James Downing, of New-Hanover county, a military land warrant, for his services during the Revolutionary War.

*Ordered*, that the resolution be referred to Messrs. Campbell, J. A. Hill, L. P. Williamson, Watson, and M'Cauley.

On motion of Mr. Ashe,

*Resolved*, that the Judiciary committee be instructed to enquire into the constitutionality and expediency of requiring the holder of a joint note to give notice to the security or securities to the same, of the default of the principal in payment within six months after the same becomes due; also the propriety of altering the present mode of foreclosing the mortgage of negroes, so as to facilitate the same; and that they report by bill or otherwise.

**On motion of Mr. Taylor,**

*Resolved*, That the Public Treasurer be requested to lay before the House a statement, showing the number of shares which the State owns in the respective Navigation Companies and Turnpike roads; and the sums which have been paid on account of the said shares.

The bill to alter the mode of electing militia officers in the county of Gates, was read the second and third times and amended; and the question, shall the said bill pass and be engrossed, was determined in the affirmative.

The resignation of George Smith, Justice of the Peace for the county of Davidson, was read and accepted.

Mr. Strange and Mr. Mebane, from the sub-committee of Internal Improvements, to whom was referred the resolution instructing them to enquire into the expediency of retaining in the employment of this State, the present Engineer, and the propriety of keeping up and sustaining the Board of Internal Improvements, made a report favourable to the objects submitted to them. The report being read, was ordered to be sent to the Senate, with a proposition that it be printed, one copy for each Member of the Assembly.

The Secretary of State, to whom was referred the petition of Richard N. M'Ree, reported that the prayer of the petition is reasonable, and recommended the passage of a resolution directing the Secretary of State to issue to the heirs of Dancey Penticost, a military land warrant for 644 acres of land; the report was concurred in, and the resolution recommended was read and passed.

Mr. Mebane, from the committee on Internal Improvements, to whom was referred a bill to repair and improve the road leading from Huntsville in Surry county, to the Virginia line, by the way of Gap Civil in Ashe county, made a report recommending the passage of the bill referred to them. The question, shall the said bill pass for its second reading, passed in the affirmative.

The bill to alter the mode of electing militia officers in the counties of Gates and Granville, was read the second and third times, and the question, shall the said bill pass and be engrossed, passed in the affirmative.

The bill to extend the time for the registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift; also, the bill concerning the road from Fayetteville to Morganton, were read the second time, and the question, shall the said bills pass, was determined in the affirmative.

The bill to divide the militia of Iredell county into two regiments; also, the bill to amend an act passed in the year 1822, entitled "an act making compensation to the Jurors of the Superior and County Courts of Moore, Carteret and Bertie, so far as the same relates to the county of Moore;" also the bill to amend an act passed in the year 1816, entitled "an act respecting the Academy and town of

Smithville in Brunswick county; also, the bill to legitimate and alter the name of Sally Smith of Stokes county, were severally read the second and third times, and the question shall the said bills pass and be enrolled, was determined in the affirmative.

The bill to repeal an act passed in the year 1822, entitled "an act directing the time and place of selling lands and slaves under execution, so far as relates to the counties of Washington and New-Hanover;" also, the bill to amend the 4th section of an act passed at the last session of the General Assembly, entitled "an act supplemental to an act passed at the present General Assembly, entitled an act for the division of Rowan county;" and also the bill to incorporate Charity Lodge, in Windsor, Bertie county; these bills were severally read the second and third times, and the question shall the said bills pass, was determined in the affirmative. *Ordered*, that these bills be engrossed.

The resolution in favour of Thomas D. Watts, was read the second and third times and passed.

The bill to legitimate Emmery Beazor Williams, and for other purposes; also the bill directing the manner in which Constables shall hereafter be appointed in the county of Mecklenburg; the bill to repeal in part, an act passed in the year 1822, entitled "an act to regulate the patrol of Richmond county;" also the bill to incorporate Greensboro' Lodge, No. 76, in the county of Guilford; also the bill to establish and incorporate Lumberton Academy in the county of Robeson; also the bill to alter the names of William Brewer, Daniel Putnam Brewer and Hilliard Brewer, children of Benjamin Whitley of Martin county, and to legitimate them, were severally read the second and third times, and the question, shall the said bills pass, was determined in the affirmative.

The bill to repeal an act passed in the year 1822, entitled "an act supplemental to an act passed at the last session of the General Assembly, entitled an act to allow commissions to Constables, in the counties of Warren, Northampton and Brunswick," so far as respects the county of Ashe; also, the bill to alter the name of Joseph Scott and to legitimate him, was read the second and third times, and the question, shall the said bill pass, was determined in the affirmative.

The bill to repeal an act passed in the year 1818, entitled "an act to repeal the first section of the 26th chapter of the acts of 1791, so far as relates to the counties of Robeson, Columbus, Ashe, Richmond, Moore, Duplin, Carteret and Johnston," so far as relates to the counties of Robeson and Richmond; also the bill to amend an act, entitled "an act to appoint Commissioners to view and lay off the road leading across the mountain, from the town of Wilkesborough, to Mrs. Bogle's in Iredell county," were read the second time and passed.

The bill to establish Courts of Equity, separate from the Courts of Law, within this State, was read the second time; Mr. Alston moved that the consideration of the bill be postponed indefinitely; the question thereon passed in the affirmative—Yea 62—Nays 58. The Yeas and Nays called for by Mr. Alston. Those who voted in the affirmative, are

YEAS—Messrs. Alston, Blackledge, E. H. Bell, Bowers, Baker, Baine, T. Bell, C. Barnard, Brooks, Bynum, Barrow, Brower, L. Cherry, Croom, Copeland, J. Cherry, Cole, Clancy, Davis, Dargan, Davenport, Edwards, Flynt, J. Forbes, J. Gordon, Garey, Helme, Hoover, Howell, Hassell, Hastings, Jeter, Jarman, Kilpatrick, Lamon, Lewis, Mhoon, Melvin, A. Martin, T. N. Mann, Oliver, Ramsey, Stedman, Stephens, Sidbury, Sellers, Smith, Tillett, Turner, D. Underwood, Vann, Webster, J. White, Weaver, J. Walton, J. H. White, Wm. Watson, J. G. A. Williamson, Webb, L. P. Williamson, W. Walton, Wilder—62.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alford, J. M. Bryan, Brown, Bodenhamer, Brodnax, Bright, Conrad, Carson, Clement, Campbell, Edmondson, Fox, Frederick, Fisher, Graham, N. Gordon, Hargrave, J. L. Hill, Holland, Henderson, Horton, Hellen, J. A. Hill, R. A. Jones, Iredell, R. H. Jones, Lowrie, Love, M'Millan, M'Neill, Melchor, McLean, Miller, Morgan, M'Cauley, Mebane, M'Daniel, M'Farland, Mewborn, Pugh, Polk, Roane, Rainey, Stewart, Seawell, Shepherd, Strange, Stanly, Taylor, Thompson, W. Underwood, S. Whitaker, Worth, Ward, T. B. Wright, Walker, Whitehurst—58.

The remaining orders of the day were further postponed; and The House adjourned until to-morrow morning, 10 o'clock.

*Saturday, December 20, 1823.*

Mr. Copeland presented a bill making compensation to the Jurors of the Superior and County Courts of Hertford; Mr. Brown, a bill to extend the time within which Commissioners are authorised to receive subscriptions to build a toll-bridge over Dan river, in the county of Caswell, near Milton, and to continue in force an act passed at the last session of the General Assembly incorporating the company for that purpose; Mr. Hastings a bill to provide for the paying of the Jurors of the county of Wayne; Mr. Fisher a bill authorising the Court of Pleas and Quarter Sessions of Rowan county, to levy a tax and appoint commissioners to build a bridge across the South Yadkin River; Mr. Beall, a bill to amend an act passed in the year 1821, entitled “an act to amend an act passed in the year 1810, entitled an act to amend an act passed in the year 1809, entitled an act to amend the several acts heretofore passed, relative to the removal of obstructions to the passage of fish up the several rivers within this State, so far as relates to the Pedee and Yadkin rivers;” Mr. Miller, a bill to repeal part of the 10th section of an act of the General Assembly, passed in the year 1784; Mr. Hill of New-Hanover, a bill respecting the inspection of Cotton in the county of New-Hanover. These bills severally were read for their first readings, and passed.

Mr. Polk presented a bill to prevent insurrections and disorders among slaves. Read and ordered to be referred to the Committee on the Judiciary.

Mr. Blackledge, from the Committee of Propositions and Grievances, to whom was referred the petition of Jacob Johnson, praying for a divorce from his wife Hannah, reported favorably to the prayer of the petition, recommending the passage of a bill to divorce Jacob Johnston from his wife Hannah. The report was concurred in, and the bill reported read the first time and passed.

Mr. Blackledge, from the same Committee, to whom was referred the petition of Annis Blackman, reported a bill to carry into effect the prayer of the petition, entitled "a bill for the relief of Annis Blackman, of Sampson county." The report was concurred in, and the bill reported read the first time and passed.

The resignations of A. M'Millan, Colonel ; James Maxwell, Lieutenant-Colonel ; and Thomas Brown, Major, of the Ashe regiment of militia ; Duncan M'Phaller, Major of the second regiment of militia of Robeson county ; James B. Long, Major of Cavalry, attached to the 14th brigade of the militia ; William Edwards, of Ashe county ; Charles Steel, of Randolph county ; Henry Tatom, of Guilford county ; and Lemuel Hardy, of Greene county, Justices of the Peace, were read and accepted.

On motion of Mr. E. Mann,

*Resolved*, That the Committee of Finance be instructed to enquire into the expediency of striking thousand dollars in Treasury notes, of the dimensions which they may think most suitable for change ; and that they report by bill or otherwise.

A message from the Senate, informing that they had passed a bill for the relief of such persons as became purchasers of the Cherokee lands sold under the authority of this State ; also a bill authorising the making and improving a road from Asheville to Rutherfordton ; also a bill concerning the Clubfoot and Harlow's Creek Canal Company ; also a bill concerning the estates of persons non compos mentis ; also a bill to regulate the practice in the Superior Courts of Law of this State ; a bill respecting the marriage of infants who belong to any seminary of learning within this State ; and a resolution in favor of the heirs of Harman Stricklin ; and asking the concurrence of this House.

On motion of Mr. Turner,

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of exempting from execution, a certain portion of the provisions of debtors ; and that they report by bill or otherwise.

On motion of Mr. Strange,

*Resolved*, That after this day, no private business shall be taken up at any forenoon session of this House, while there is any public business upon the table in a state to be acted upon.

The bill to regulate the practice in the Superior Courts of Law of this State ; also the bill respecting the marriage of infants who belong to any seminary of learning within this State ; also the bill for

the relief of such persons as become purchasers of the Cherokee lands sold under the authority of this State ; also the bill authorising the making and improving a road from Asheville to Rutherfordton ; also the bill concerning the Clubfoot and Harlow's Creek Canal Company, were respectively read the first time and passed.

**On motion of Mr. Bowers,**

*Resolved*, That the Military Committee enquire into the expediency of repealing the 5th section of an act, passed in the year 1812, which requires delinquents to be imprisoned for fines ; and that they report by bill or otherwise.

**On motion of Mr. Baine,**

*Resolved*, That the Committee on Military Affairs be instructed to enquire into the expediency of altering and explaining that part of the exempt militia laws which relate to public millers, so as to read "all free white men liable to do military duty, whose occupation it is to attend and perform the duties of a miller, shall be exempt from military duty."

*Resolved further*, That they enquire into the expediency of repealing the law empowering Major-Generals to call the cavalry troops out of their respective brigades for the purpose of being reviewed ; and that they report by bill or otherwise.

The bill concerning the estates of persons non compos mentis, was read the first time ; also the bill to regulate proceedings on indictments in the Superior and County Courts in this State, was read the second time. **On motion, ordered**, that these bills be postponed indefinitely.

The bill concerning the University of North-Carolina ; also the bill concerning the duty of Ferrymen across Albemarle Sound, were read and passed the first and second times.

The resolution in favour of the heirs of Harman Stricklin, was read the first, second and third times, and ordered to be referred to the Committee of Propositions and Grievances.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of James Cook, reported favorably, recommending the passage of a resolution directing the Public Treasurer to pay to him the sum of sixty dollars annually. The resolution was read the first time and passed. The bill for the relief of Annis Blackman, of Sampson county, was read the second time. Mr. Stanly moved that the bill be indefinitely postponed. The question thereon, was determined in the negative. The bill was, thereupon, put on its passage ; and the question, shall the said bill pass, was determined in the affirmative.

The bill to authorise the erection of the public buildings of Washington county at Plymouth ; also the bill supplemental to an act, passed this session of the General Assembly, entitled "an act incorporating Morganton Academy ;" and also the bill to authorise the making of a turnpike road from Asheville, by the Warm Springs, to the Tennessee line, and to incorporate a company for that purpose, were severally read for their third readings, passed and ordered to be enrolled.

Mr. Iredell presented the following resolution :

Whereas, the practice lately adopted by the members of Congress, of assembling in what is termed a Caucus, and nominating a President and Vice-President of the United States, is an usurpation of power contrary to the spirit and intention of the Constitution—is inconsistent with Republican principles, inasmuch as it is founded on the degrading supposition, that the people are incapable of self-government—is calculated to produce an undue and dangerous influence in the election of those important officers, and tends, in its consequences, to destroy the purity, and thereby to sap the very foundation of our Republican Institutions : and

Whereas, this General Assembly believe, that if even unopposed by these strong considerations, such a practice is neither necessary nor expedient, because the people are competent to select, in the manner prescribed by the Constitution, fit persons to preside over them, without any advice or nomination from the members of Congress.

*Therefore, Resolved*, that this General Assembly do hereby disapprove, and in the name of the people whom they represent, do protest against Caucus Nomination, or in any other interference in the election of President and Vice-President of the United States by the members of Congress, acting collectively, in cases where such power is not expressly given to them by the Constitution.

On motion being made, that the consideration of the resolution be postponed indefinitely : The question thereon passed in the affirmative—Yeas 73—Nays 52. The Yeas and Nays called for by Mr. Iredell.

Those who voted in the affirmative, are

YEAS—Messrs. W. D. Barnard, Blackledge, J. M. Bryan, Brown, Bowers, Baker, C. Barnard, Brodnax, Bynum, Barrow, Brower, L. Cherry, Copeland, Cole, Clancy, Davis, Elliott, Fox, Frederick, Forbes, Gary, N. Gordon, Holland, Hoover, W. Horton, Hassell, Jeter, Jarman, R. H. Jones, Kilpatrick, Leonard, Lewis, Lowrie, Lamon, Mhoon, Melvin, Miller, M'Cauley, M'Daniel, T. N. Mann, R. Martin, E. Mann, Mewborn, Ormond, Oliver, Pugh, Rainey, Ramsay, Stedman, Stephens, Stewart, Seawell, Sidbury, Sellers, Strange, Tillett, Taylor, Turner, Thompson, W. Underwood, D. Underwood, Vann, Webster, J. Whitaker, J. Walton, White, Worth, Watson, Webb, Wright, L. Williamson, Walker, Whitehurst, W. Walton—73.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Alston, Alford, Bodenhamer, Baine, T. Bell, Brookes, Beall, Bright, Collins, Conrad, Croom, J. Cherry, Carson, Clement, Campbell, Dargan, Edmondson, Edwards, Flynt, Fisher, Graham, J. Gordon, Hargrave, J. L. Hill, Helme, Howell, Henderson, Hastings, Hellen, Hunter, J. A. Hill, Iredell, Love, M'Millan, M'Neill, Melchor, M'Lean, Morgan, A. Martin, Mebane, M'Farland, Polk, Roane, Stanley, Smith, Shepherd, White, S. Whitaker, Weaver, J. G. A. Williamson, Wilder—52.

The remaining orders of the day being further postponed ;  
The House adjourned until Monday morning, 10 o'clock.

Monday, December 22, 1823.

The bill for the relief of such persons as became purchasers of the Cherokee Lands sold under the authority of this State ; also the bill concerning the Clubfoot and Harlow's Creek Canal Company ; also the bill to amend an act passed in the year 1821, entitled an act to amend an act passed in the year 1810, entitled an act to amend an act to amend an act passed in the year 1809, entitled an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this state, so far as relates

to the Pedee and Yadkin rivers, also the bill to repeal part of the 10th section of an act of the General Assembly passed in the year 1784; also the bill to repeal the 44th section of an act passed in 1741, entitled an act concerning servants and slaves, were severally read for their second readings and passed.

A message from the Senate, informing of the passage of a bill concerning the Roanoke Navigation Company, and asking the concurrence of this House. The bill concerning the Roanoke Navigation Company was read the first time and passed.

Mr. Taylor, from the committee on Public Buildings, to whom was referred the resolution instructing them to enquire into the expediency of dispensing with the further services of the State Architect, made a report recommending the following resolution:

*Resolved*, that his Excellency the Governor be, and he is hereby authorised to draw his warrant on the Public Treasurer, in favour of the State Architect, for such part of the said Architect's salary as may be proportioned to the time he may remain in the service and employment of the state: Provided the same does not exceed a longer time than three months from the first of January next, and that the Treasurer be allowed the same in the settlement of his accounts.

*Resolved further*, that the rule requiring resolutions of this nature to be read three times, be dispensed with, so far as respects this resolution.

Mr. Taylor, from the same committee, made a report, recommending the adoption of a resolution appropriating a further sum of five thousand dollars for the completion of the State-House.

Mr. Taylor, from the same committee, made a report, recommending the passage of a resolution appropriating a sum not exceeding the sum of 150 dollars, to be paid to the Architect for taking care of the public buildings. On motion, *ordered*, that these reports lie on the table.

Mr. R. Martin presented a bill to raise a fund to liquidate the debt due the State Bank of North-Carolina. *Ordered*, that the bill be referred to the committee of Finance.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of several citizens of Beaufort county, made a report favorable to the prayer of the petition, recommending the passage of a bill to remove obstructions in Pungo Creek and for other purposes. The report was concurred in, and the bill reported, read the first time and passed.

The bill to compel the attendance of persons summoned to attend Juries of Inquest; also the bill respecting the marriage of infants who belong to any seminary of learning within this State; also the bill to regulate the practice in the Superior Courts of Law of this State, were read each the second time—the two former postponed indefinitely, and the latter rejected.

Mr. Bynum presented the following resolution:

*Resolved*, that Wm Drew, the Attorney-General of the State, be allowed twenty dollars each, for four counties which he failed to attend, owing to the indisposition of himself and the Judge, and that the Treasurer be directed to pay the same.

The question thereon, passed in the affirmative—Yea 106—Nays 22. The Yeas and Nays called for by Mr. Beall.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Alston, Alford, Blackledge, J. M. Bryan, Brown, Bowers, Bodenhamer, Baine, T. Bell, C. Barnard, Brodnax, Bynum, Barrow, S. A. Bryan, Collins, Conrad, L. Cherry, Croom, Copeland, Carson, Cole, Clement, Campbell, Clancy, Davis, J. Dargan, Davenport, Edwards, Elliott, Fox, Flynt, Forbes, Fisher, J. Gordon, Gary, Graham, Hargrave, J. L. Hill, Holland, Helme, Hoover, Howell, Hassell, Henderson, Hastings, Hunter, J. A. Hill, R. A. Jones, Jeter, Jarman, Iredell, R. H. Jones, Kilpatrick, Leonard, Lowrie, Lamon, Lewis, M'Millan, M'Neill, Melchor, M'Lean, Miller, Morgan, M'Cauley, A. Martin, Mebane, M'Daniel, R. Martin, M'Farland, Mewborn, Ormond, Oliver, Pugh, Polk, Rainey, Ramsay, Stephens, Stewart, Seawell, Sidbury, Shepherd, Sellers, Smith, Strange, Stanly, Taylor, Thompson, Turner, W. Underwood, Webster, S. Whitaker, J. Whitaker, J. Walton, Worth, J. H. White, W. Watson, Ward, J. G. A. Williamson, Webb, Wilder, Wright, L. P. Williamson, Walker, Whitehurst, W. Walton—106.

Those who voted in the negative are,

NAYS—Messrs. W. D. Barnard, E. H. Bell, Baker, Beall, Brower, Bright, Edmondson, N. Gordon, Horton, Hellen, Love, Mhoon, Melvin, Mann, Stedman, Tillett, D. Underwood, Vann, J. White Weaver, Wilkins—22.

The said resolution was thereupon read the second and third times, passed, and ordered to be engrossed.

Mr. Helme, who voted in the affirmative on the question of indefinite postponement, on Saturday last, on the bill to establish Courts of Equity separate from the Courts of Law within this State, moved that the House do reconsider that vote; which was determined in the affirmative. Mr. Leonard moved that the said bill be postponed indefinitely, and called for the Yeas and Nays. The question thereon was determined in the negative—Yea 55—Nays 70.

Those who voted in the affirmative are,

YEAS—Messrs. Alston, W. D. Barnard, Baker, Baine, C. Barnard, Brooks, T. Bell, Beall, Bynum, Brower, Barrow, S. A. Bryan, L. Cherry, J. Cherry, Copeland, Campbell, Clancy, Davis, Davenport, Edwards, Elliott, Frederick, Forbes, J. Gordon, Gary, Hoover, Howell, Hassell, Hunter, Jeter, Jarman, Kilpatrick, Leonard, Lamon, Lewis, Mhoon, Morgan, R. Martin, E. Mann, Melvin, Stedman, Stephens, Sidbury, Sellers, Tillett, Turner, D. Underwood, Vann, Webster, Wilkins, Weaver, J. Walton, Wm. Walton, J. G. A. Williamson, L. P. Williamson, Webb, Wilder—57.

Those who voted in the negative are,

NAYS—Messrs. Alford, Blackledge, J. M. Bryan, Bodenhamer, E. H. Bell, Brown, Bowers, Brodnax, Bright, Conrad, Collins, Cole, Carson, Clement, Dargan, Edmondson, Fox, Flynt, Fisher, N. Gordon, Graham, Hargrave, J. L. Hill, Holland, Helme, Henderson, Horton, Hastings, Hellen, R. A. Jones, Iredell, R. H. Jones, Lowrie, Love, M'Neill, M'Millan, Melchor, M'Lean, Miller, M'Cauley, A. Martin, Mebane, M'Daniel, M'Farland, Mewborn, Oliver, Pugh, Polk, Rainey, Roane, Ramsey, Seawell, Stewart, Shepherd, Smith, Strange, Stanly, Taylor, Thompson, W. Underwood, Jo. White, S. Whitaker, J. Whitaker, J. H. White, Wright, Walker, Whitehurst, Ward, Walton—70.

The bill, thereupon, was read the second time; and the question, shall the said bill pass, was determined in the affirmative.

The House then adjourned until 4 o'clock, P. M.

*Evening Meeting.*

Mr. Love presented a bill to prevent any person or persons from falling timber into the Tennessee river and Sugar Town fork thereof, within the county of Haywood.

Mr. Hassell presented a bill to legitimate James Smith, Milley Smith and Unice Smith, and for other purposes.

Mr. Roane presented a bill supplemental to an act, passed this Assembly, incorporating Morganton Academy.

These bills were severally read the first, second and third times, passed and ordered to be engrossed.

Mr. Mebane presented the following resolution :

*Resolved*, That the Secretary of State issue to John Taylor, a military land warrant for      acres of land.

On motion, *ordered*, that the resolution be referred to Messrs. Mebane, Clancy, Sellers, and Ashe.

Mr. Melvin presented a bill to appoint commissioners for the better regulation of Elizabeth Town, in Bladen county.

Mr. Davenport presented a bill to authorise the Court of Pleas and Quarter Sessions of Washington county to appoint a Committee of Finance.

The said bills were read the first, second and third times ; and the question, shall the said bills pass their several readings, was determined in the affirmative. *Ordered*, that the said bills be engrossed.

The bill to amend an act, passed in the year 1817, entitled an act for the better protection of the health of the inhabitants of the town of Smithville and its vicinity, in Brunswick county ; also the bill to establish the mode of elections in future in the county of Wayne, were read the second and third times ; also the bill for the relief of Annis Blackman, of Sampson county, was read the third time ; also the bill to repeal an act, passed in the year 1818, entitled "an act to repeal the first section of the 26th chapter of the acts of 1791, so far as relates to the counties of Robeson Columbus, Ashe, Richmond, Moore, Duplin, Carteret, and Johnston," so far as relates to the counties of Robeson and Richmond ; also the bill to secure to Sally Hampton, of Stokes county, such property as she may hereafter acquire, was read the second and third time ; and the question, shall the said bills pass and be engrossed, passed in the affirmative.

Received from His Excellency the Governor, as President of the Board of Trustees, ex-officio, the following communication :

RALEIGH, December 22, 1823.

*To the Honourable the General Assembly of the State of North-Carolina.*

GENTLEMEN—I have the honor to inform you, that there are at present four vacancies in the Board of Trustees of the University of North-Carolina, to be filled by joint ballot of both Houses.

The following are the names of four persons, recommended by the Board at its last meeting, as suitable to fill such vacancies, viz. John S. Ravenscroft, John A. Cameron, Thomas G. Polk, and Hugh D. Waddell.

I have the honor to be, gentlemen, your ob't serv't,

GAB'L HOLMES.

On motion, *ordered*, that the said communication be sent to the Senate with a message, proposing to ballot to-morrow morning for Trustees to fill the vacancies.

The remaining orders of the day being further postponed,  
The House adjourned until to-morrow morning, 10 o'clock.

*Tuesday, December 23, 1823.*

**On motion of Mr. Mebane,**

*Resolved*, That the Clerk of this House cause to be removed to the State Library, such books in his office as the committee on the Library may direct.

**The resignation of John B. Harry, Major of the 2d Lincoln regiment of militia, was read and accepted.**

**Mr. Ward** presented the following resolution :

*Resolved*, that the Board of Internal Improvements be, and they are hereby instructed to have surveyed, New river and White Oak river, from the first obstruction above their mouths to the head of navigation of said rivers, and report thereon to the next General Assembly, what improvements the said rivers are susceptible of.

*Ordered*, that the resolution lie on the table.

**Mr. Mebane**, from the select committee to whom was referred a resolution in favour of John Taylor, made a report recommending the passage of a resolution directing the Secretary of State to issue to him a military land warrant for two thousand five hundred and sixty acres. The question to concur with the report passed in the affirmative.

**Mr. Mebane**, who voted in the affirmative on the question of indefinite postponement of the bill to amend an act passed in the year 1822, entitled an act to amend an act passed in the year 1818, entitled an act to amend an act passed in the year 1815, to incorporate a company and make a turnpike road from Pungo Creek, in Hyde county, to the town of Plymouth, in Washington county, moved that the House do reconsider that vote. The question thereon passed in the affirmative. The bill thereupon was read the third time and amended, and the question shall the said bill pass and be engrossed, was determined in the affirmative.

**Mr. Blackledge**, from the committee of Propositions and Grievances, to whom was referred resolution directing them to enquire into the expediency of making some provision for the support of Esther Faree, widow of Capt. Ephraim Faree, reported that it is inexpedient to make any provision for the applicant, and beg to be discharged from the further consideration of the petition. The question to concur with the report passed in the affirmative.

**Mr. Blackledge**, from the same committee, made a report on the petition of Sarah Brewer, of Moore county, unfavorable to the prayer of the petition, recommending its rejection. The report was concurred with.

**Mr. Blackledge**, from the same committee, made a report on the petition of sundry citizens of Mecklenburg county, on the subject of

a public road, unfavorable to the object of the petition, recommending its rejection. The question to concur with the report passed in the affirmative.

Mr. Blackledge, from the same committee, reported favourably to the prayer of the petition of Elizabeth Hoggatt, recommending the passage of a bill for the relief of Elizabeth Hoggatt of the county of Guilford. The report of the committee was concurred in, and the bill reported, read the first time and passed.

Mr. Sellers, from the committee on Military Affairs, made a report on the resolution directing them to enquire into the expediency of causing the Revised Militia Laws of this State to be distributed to the several Commandants within the same, recommending the passage of a bill to authorise the distribution of the Militia Laws of this State. The bill reported, was read the first time and passed.

Mr. Sellers, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of providing a more uniform system for the government of Courts Martial on the trial of officers under arrest, reported a bill to provide a uniform system for the government of Courts Martial on the trial of officers under arrest. The bill reported, was read the first time and passed.

Mr. Sellers, from the same committee, to whom was referred the resolution instructing them to enquire into the expediency of altering or amending the 9th and 10th sections of an act passed in the year 1813, to amend the Militia Laws of this State, reported a bill to repeal the 9th section of an act passed in 1813, to amend the Militia Laws of this State, and for other purposes. The report was concurred in, and the bill reported, read the first time and passed.

Mr. Sellers, from the same committee, to whom was referred a resolution requiring them to enquire into the expediency of so amending the Militia Law of this State, as not to require Colonels and Captains to keep their respective commands under arms at least three hours in each and every day of parade, reported that it was inexpedient to make any alteration in the said laws. The question to concur with the report passed in the affirmative.

Mr. Hunter presented a bill to repeal an act passed in the year 1820, limiting the time within which judgments before a Justice of the Peace may be revived. The said bill was read the first time, and on motion, ordered to be postponed indefinitely.

Mr. Baine presented a bill to reduce the salary of the Supreme Court Judges of this State, which being read for its first reading, Mr. Ward moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—Yeas 44—Nays 80. The Yeas and Nays called for by Mr. Baine.

**Those who voted in the affirmative, are**

**YEAS**—Messrs. Alford, Ashe, J. M. Bryan, Brown, Bodenhamer, Brodnax, Croom, Carson, Cole, Clement, Clancy, Fox, Frederick, Fisher, Gary, Graham, Hargrave, Henderson, Hellen, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Lowrie, Miller, Mebane, T. N. Mann, R. Martin, Roane Rainey, Shepherd, Sellers, Strange, Stanly, Taylor, Turner, Jo. White, S. Whitaker, J. Whitaker, Ward, Webb, Walker—44.

**Those who voted in the negative are,**

**NAYS**—Messrs. Alston, W. D. Barnard, Baker, Baine, T. Bell, Bowers, C. Barnard, Brooks, Beall, Bynum, Barrow, Brower, Bright, Collins, Conrad, L. Cherry, Cope-land, J. Cherry, Davis, Dargan, Davenport, Edmondson, Edwards, Elliott, Forbes, J. Gordon, N. Gordon, J. L. Hill, Holland, Helme, Hoover, Howell, Horton, Hastings, Hunter, Jarman, Kilpatrick, Leonard, Love, Lamon, Lewis, Mhoon, McIvin, M'Mil-lan, M'Neill, Melchor, M'Lean, Morgan, M'Cauley, A. Martin, M'Daniel, E. Mann, M'Farland, Mewborn, Oliver, Pugh, Ramsay, Stedman, Stephens, Sidbury, Seawell, Smith, Tillett, Thompson, W. Underwood, D. Underwood, Vann, Webster, Weaver, Wilkins, J. Walton, Worth, J. H. White, W. Watson, J. G. A. Williamson, Wilder, L. P. Williamson, Whitehurst, W. Walton, Hassell—80.

The bill thereupon was put on its passage, and the question, shall the said bill pass, was determined in the affirmative.

The House then resolved itself into a committee of the whole, Mr. Ward in the Chair, on the resolution presented by Mr. Baker, for the purpose of discharging the Civil Engineer after the first day of July next, and that the contract made by the Board of Internal Improvements with the Civil Engineer cease on that day. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Ward reported that the committee had had the said resolution under consideration, and directed him to report to the House that it is inexpedient to discharge the Civil Engineer. Mr. Brown moved that the further consideration of the said resolution be postponed indefinitely. Debate thereon arising, the House, on motion of Mr. Iredell, adjourned to 4 o'clock, P. M.

#### *Evening Meeting.*

A message from the Senate, informing that they had indefinitely postponed the engrossed bill to establish the mode of elections in future, in the county of Wayne; and also that they had passed a bill to amend an act, entitled “an act to appoint commissioners to extend the Fayetteville road from Morganton to the line of Tennessee, passed in 1818; also a bill to amend the several acts of Assembly respecting weights and measures; also a bill to authorise John Patton, of Buncombe county, to convey to Thomas Kensey and others, in trust, a certain portion of the public lands; also a bill to legitimate Benjamin Franklin Jackson, son of Pemea West, deceased, and Benjamin M. Jackson, of the county of Pasquotank; also a bill declaring the punishment of persons of color in certain cases; also a bill for the relief of female debtors; also a bill to authorise the administrator of William Streety, late Sheriff of Bladen county, to collect the arrears of taxes due said Sheriff; also a bill to alter the

times of holding the Courts of Pleas and Quarter Sessions for the county of Washington ; also a bill authorising the improvement of Great Cohara Swamp, in the county of Sampson ; also a bill to amend the militia laws of this State, relative to the cavalry ; also a bill to regulate seine fisheries in Blount's Creek, in Beaufort county ; also a bill for the better regulation of the town of Nashville ; also a bill to amend an act, passed at the last session of the General Assembly, entitled " an act for the better regulation of the County Courts of Cabarrus, Moore, and Montgomery," so far as relates to the county of Cabarrus ; and a resolution instructing the President of the Board for internal improvements ; and asking the concurrence of this House.

The bill to amend an act, entitled " an act to appoint commissioners to extend the Fayetteville road from Morganton to the line of Tennessee," passed in the year 1818 ; also the bill declaring the punishment of persons of color in certain cases ; also the bill to amend an act, passed at the last session of the General Assembly, entitled " an act for the better regulation of the County Courts of Cabarrus, Moore, and Montgomery," so far as relates to the county of Cabarrus ; also the bill to legitimate Benjamin Franklin Jackson, son of Pemia West, deceased, and Benjamin M. Jackson, of the county of Pasquotank ; also a bill to regulate seine fisheries on Blount's creek, in Beaufort county ; also the bill to amend the several acts of Assembly respecting weights and measures ; also the bill to alter the times of holding the Courts of Pleas and Quarter Sessions of the county of Washington ; also the bill to amend the militia laws of this State relative to the cavalry ; also the bill to authorise John Patton, of Buncombe county, to convey to Thomas Kensey and others, in trust, a certain portion of the public lands ; also the bill authorising the improvement of Great Cohara Swamp, in the county of Sampson ; also the bill for the better regulation of the town of Nashville, were severally read the first time ; and the question, shall the said bills pass, was determined in the affirmative.

The resolution instructing the President of the Board for Internal Improvements, was read and concurred in.

On motion of Mr. Iredell,

*Resolved*, That in the afternoon sessions of this House, no bill nor resolution of a public nature, be taken up until all the bills or resolutions of a private nature have been taken up and disposed of.

Mr. Rainey presented a bill to incorporate the Milton Male Academy, in the county of Caswell ; which was read the first time and passed.

The bill concerning the road from Fayetteville to Morganton ; also the bill to legitimate and alter the names of Emereldy Thomas, Elias Thomas, and Ellis Thomas ; also the bill to amend an act, passed in the year 1818, entitled " an act to alter and regulate the

annual elections in Hyde county ;" also the bill concerning wrecks and wreck property, in Hyde county ; also the bill to alter the time of holding certain terms of the Courts therein mentioned ; also the bill to incorporate Friendship Academy, in Duplin county ; also the bill to divorce Daniel Noomcaser, of Davidson county, from his wife Catharine ; also the bill to repeal an act, passed in the year 1822, entitled " an act directing the manner of appointing patrollers in the county of Davidson ;" also the bill to authorise William Neal and Isaac Ward, of Rowan County, to erect gates on their own lands, on the road leading through their plantations in said county ; also the bill to appoint commissioners for the town of Swansborough, in Onslow county ; also the bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax laid for building a Court-House, in said county ; also the bill to divorce Elizabeth Wilkins, of the county of Burke, from her husband William Wilkins ; also the bill to restore to credit John Clewis, of Brunswick county ; also the bill to authorise a certain number of the Justices of the Peace for the county of Brunswick, to appropriate the county monies, were severally read the third time, passed and ordered to be engrossed.

Mr. M'Neill presented a bill for improving the navigation of Crane's Creek, in Cumberland county ; which was read the first, second and third times ; and the bill to alter the names and legitimate Millery Stokes and Charlotte Stokes, was read the second and third times ; and the question, shall the said bills pass and be engrossed, was determined in the affirmative.

The resignations of Zachariah Herndon, sen'r, Justice of the Peace for the county of Orange, was read and accepted.

A message from the Senate, informing of their disagreement to the proposition of this House to vote to-day for four Trustees of the University of North-Carolina, and proposing that a bollot take place to-morrow morning ; and informing that the names of John H. Bryan, James Martin and Daniel M. Forney are added to the nomination.

The Speaker laid before the House the following report of the public Treasurer :

*To the Honorable the Speaker and Members of the House of Commons of the General Assembly of the State of North-Carolina.*

GENTLEMEN—In obedience to a resolution of the House of Commons of the 19th instant, requiring of the Public Treasurer a statement shewing the number of shares which this State owns in the respective Navigation Companies and Turnpike Roads, and the sums which have been paid on account of the said shares, I now do myself the honor to transmit you the enclosed.

And remain, very respectfully, your obedient servant,

JOHN HAYWOOD, P. Treas'r.

RALEIGH, December 22, 1823.

The report being read, was ordered to be sent to the Senate, with a message, proposing that it be printed, with the statement, for the use of the members.

The bill to authorise the administrator of Wm Streety, late Sheriff of Bladen county, to collect the arrears of taxes due said Sheriff, was read the first time and postponed indefinitely.

The remaining orders of the day being further postponed,  
The House adjourned until to-morrow morning, 10 o'clock.

*Wednesday, December 24, 1823.*

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Pugh and Mr. Lamon attend the Senate as a committee on the part of this House, to superintend the balloting for four Trustees of the University of North-Carolina; and informing that the names of Wm Hooper and Charles A. Hill are added to the nomination.

Mr. Mebane, from the select committee to whom was referred the petition of John Shull, made a report unfavorable to the prayer, recommending its rejection. The report was concurred in.

On motion of Mr. Love, *ordered*, that he have leave to withdraw from the file all the papers or vouchers accompanying the petition.

A message from the Senate, informing that Mr. Wall and Mr. Pearsall form the committee on their part to conduct the balloting for four Trustees of the University.

The bill concerning the Clubfoot and Harlow's Creek Canal Company, was read the third time and passed, and ordered to be enrolled.

The bill to amend an act passed in the year 1821, entitled an act to amend an act passed in the year 1810, entitled an act to amend an act passed in the year 1809, entitled an act to amend the several acts heretofore passed relative to the removal of obstructions to the passage of fish up the several rivers within this State, so far as relates to the Pedee and Yadkin rivers; also the bill to extend the time for registration of grants, mesne conveyances, powers of attorney, bills of sale and deeds of gift; also the bill to repeal the 44th section of an act passed in the year 1741, entitled "an act concerning servants and slaves;" also the bill to repeal part of the 10th section of an act of the General Assembly passed in the year 1784, were severally read the third time, passed and ordered to be engrossed.

Mr. Graham presented a bill to provide for revising and consolidating the acts of the General Assembly concerning administrators and executors.

Mr. Helme presented a bill supplemental to an act passed at the last General Assembly, entitled "an act to promote Agriculture and Family Domestic Manufactures in this State."

These bills were read the first time and passed, and the latter referred to the committee on Agriculture.

Mr. Lamon, from the committee appointed to conduct the balloting for four Trustees of the University of North-Carolina, reported that the committee had performed the duty assigned to them, and

that on counting the ballots, it appeared Daniel M. Forney, John H. Bryan and James Martin, had each a majority of the whole number, and were duly elected.

The question to concur with the report passed in the affirmative.

A message from the Senate, informing that they had passed a bill to amend the first section of an act passed in 1818, entitled "an act directing a road to be laid out from Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilesborough;" also a bill to legitimate Nancy Johnston and others, of Moore county; also a bill to establish a poor-house in the county of Rutherford; and a resolution in favour of the heirs of Samuel Carpenter, and asking the concurrence of this House.

Mr. Stanly, from the Judiciary committee, to whom was referred a resolution to enquire into the expediency of providing by law, that where a person shall die intestate, leaving no next of kin but his widow entitled to distribution of his personal estate, the widow shall be entitled to the whole of such estate after payment of debts, reported a bill in pursuance to the said resolution, securing to widows of intestates, the surplus of the personal estate of their deceased husbands, when no kindred claim the same. The bill reported was read the first time and passed.

Mr. Stanly, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of exempting from execution a certain portion of the provisions of debtors, reported a bill further to mitigate the severity of executions. The bill was read the first time and passed.

Mr. Stanly, from the same committee, to whom was referred the bill respecting lands held under ancient patents; also the bill to prevent insurrections and disorders among slaves, reported, that in the opinion of the committee, it is inexpedient to pass the said bills.—The question to concur with the report passed in the affirmative.

Mr. Stanly, from the same committee, to whom was referred the bill to compel an executor or executrix to give security in certain cases, returned the bill with an amendment, which was concurred in. Mr. Jones, of Warren, moved that the further consideration of the bill be postponed indefinitely. The question thereon, passed in the affirmative.

On motion of Mr. Helme,

*Resolved*, that the Public Treasurer of this State be requested to lay before this House a statement of the several amounts paid into the Public Treasury by the Clerks of the County and Superior Courts of this State, pursuant to the provisions of an act, entitled "an act to promote Agriculture and Domestic Manufactures," passed in the year 1822.

The bill to establish Courts of Equity separate from Courts of Law within this State, was read the third time: Mr. Stedman moved that the said bill be postponed indefinitely. The question thereon

passed in the affirmative—Yea 67—Nays 57. The Yea and Nays called for by Mr. Stedman.

Those who voted in the affirmative are,

YEAS—Messrs. Alston, W. D. Barnard, Blackledge, Brown, Bowers, Baker, Baine, T. Bell, C. Barnard, Brooks, Brodnax, Bynum, Barrow, Brower, L. Cherry, Croom, J. Cherry, Copeland, Clancy, Davis, Edwards, Elliott, Forbes, J. Gordon, Gary, Hoover, Howell, Hunter, Hassell, Jeter, Jarman, Kilpatrick, Leonard, Lamon, Lewis, Mhoon, Melvin, Morgan, M'Daniel, T. N. Mann, E. Mann, R. Martin, Ormond, Oliver, Pugh, Ramsey, Stedman, Stephens, Sidbury, Sellers, Smith, Tillett, Thompson, Wm. Underwood, D. Underwood, Vanu, Webster, Jo. White, Wilkins, J. Walton, Worth, Watson, J. G. A. Williamson, Webb, Wilder, L. P. Williamson, Turner—67.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alford, J. M. Bryan, E. H. Bell, Bright, Conrad, Carson, Cole, Clement, Campbell, Dargan, Davenport, Edmondson, Fox, Flynt, Frederick, Fisher, Gra'mam, Hargrave, Holland, J. L. Hill, Helme, Henderson, Horton, Hastings, Hellen, J. A. Hill, R. A. Jones, Iredell, R. H. Jones, Lowrie, Love, M'Millan, M'Neil, Melchor, M'Cauley, A. Martin, Mebane, M'Farland, Mewborn, Polk, Roane, Rainey, Stewart, Seawell, Strange, Stanly, Shepherd, Taylor, S. Whitaker, J. Whitaker, J. H. White, Ward, Wright, Walker, Whitehurst, Wm. Walton—57.

Mr. Taylor presented a bill to allow the Comptroller a Clerk. The bill was read the first time, and the question, shall the said bill pass, was determined in the negative.

The resolution in favour of the heirs of Samuel Carpenter, was read and concurred with, *ordered*, that the said resolution be enrolled.

The bill to establish a poor-house in the county of Rutherford; also the bill to amend the first section of an act passed in 1818, entitled an act directing a road to be laid out and opened from Leaks-ville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough; also the bill to legitimate Nancy Johnston and others, of Moore county, were read the first time and passed.

The House then adjourned until 4 o'clock, P. M.

#### *Evening Meeting.*

A message from the Senate, proposing to ballot immediately for a Lieutenant-Colonel of Cavalry of the 15th brigade. William M'Gimpsy is nominated for the appointment. *Ordered*, that the message lie on the table.

Mr. Strange presented a bill to amend the provisions of the 4th section of an act, passed in 1820, entitled “an act for supplying the town of Fayetteville with pure and wholesome water.” The said bill was read the first and second times; and, on motion, *ordered*, that it be postponed indefinitely.

Mr. Alston presented the petition of Susannah Price, wife of Washington Price, by Mary Webb, her next friend. *Ordered*, that the said petition be referred to the Committee of Propositions and Grievances.

The resignation of William Durham, Major of the first regiment of the Stokes militia, was read and accepted.

Mr. Wilkins presented a bill to establish Town Creek Academy, in Edgcombe county, and to incorporate the Trustees thereof. The said bill was read the first time and passed.

Mr. Hargrave presented a bill to authorise and direct the Sheriff of Davidson county to pay over the taxes collected for the public buildings to the Commissioners of Public Buildings for said county. The said bill was read the first, second and third times, passed and ordered to be engrossed.

The resignation of K. Williams, Colonel of the Franklin regiment of militia, was read and accepted.

The bill concerning the Sheriff of Cumberland county, and special Justices of Fayetteville; also the bill to alter part of the line dividing the two regiments of militia in Surry county; also the bill to remove obstructions in Pungo Creek, and for other purposes; also the bill to authorise the County Court of Robeson to appoint a Committee of Finance. These bills severally were read for the second and third times, passed and ordered to be engrossed.

The resolution in favor of James Cook, of Rutherford county, was read the second time and passed.

On motion, the said resolution was read the third time; and the question, shall the said resolution pass, was determined in the negative—Yeas 49—Nays 58. The yeas and nays called for by Mr. Stanly.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Blackledge, Bowers, Baine, Beall, Brodnax, Brower, Collins, Conrad, Croom, Copeland, Carson, Clement, Campbell, Davis, Edmondson, Fox, Fisher, Gordon, Graham, J. L. Hill, Holland, Helme, Hoover, Horton, Hassell, Jeter, Iredell, Kilpatrick, Leonard, Lowrie, Love, Lamon, M'Millan, M'Lean, Morgan, M'Cauley, A. Martin, Mebane, M'Farland, Roane, Rainey, Ramsey, Thompson, J. White, Worth, J. G. A. Williamson, Wilder, Wright—49.

Those who voted in the negative are,

NAYS—Messrs. Alston, Alford, W. D. Barnard, J. M. Bryan, E. H. Bell, Baker, T. Bell, C. Barnard, Barrow, Bright, J. Cherry, Cole, Davenport, Edwards, Elliott, Frederick, Forbes, Gary, Hargrave, Howell, Hastings, Hellen, Hunter, J. A. Hill, R. A. Jones, Jarman, Mhoon, Melvin, Melchor, M'Daniel, E. Mann, Mewborn, Oliver, Pugh, Stedman, Stephens, Sidbury, Sellers, Smith, Stanly, Tillett, Taylor, Turner, W. Underwood, D. Underwood, Vann, Webster, S. Whitaker, Weaver, Wilkins, J. Walton, Wm. Walton, Jo. White, Ward, Webb, L. P. Williamson, Whitehurst, Wm. Watson—58.

Mr. Blackledge presented the following resolution :

Whereas it is the duty of all Christian people to solemnize and celebrate the anniversary of the birth of the Saviour of mankind, by abstaining from the transaction of all secular business on that day; therefore,

*Resolved*, That this House do adjourn, when it adjourns, until Friday morning, 10 o'clock.

The question to concur with the resolution, passed in the negative—Yeas 7—Nays 103. The Yeas and Nays called for by Mr. Blackledge.

Those who voted in the affirmative are,

YEAS—Messrs. Blackledge, T. Bell, Collins, Campbell, Iredell, Leonard, Ward—7.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alston, Alford, W. D. Barnard, J. M. Bryan, E. H. Bell, Bowers, Baker, Baine, C. Barnard, Brooks, Beall, Brodnax, Bynum, Barrow, Brower, Bright, Conrad, L. Cherry, J. Cherry, Croom, Carson, Cole, Clement, Clancy, Davis, Davenport, Edmondson, Edwards, Elliott, Fox, Frederick, Forbes, Fisher, J. Gordon, Gary, Graham, Hargrave, Hill, Holland, Helme, Hoover, Howell, Horton, Hastings, Hellen, Hunter, Hassell, R. A. Jones, Jeter, Jarman, Kilpatrick, Lowrie, Love, Lamon, Mhoon, Melvin, M'Millan, Melchor, M'Lean, Morgan, M'Cauley, A. Martin, Mebane, M'Daniel, R. Martin, M'Farland, Mewborn, Oliver, Pugh, Ramsey, Roane, Rainey, Stedman, Stephens, Stewart, Sidbury, Sellers, Smith, Stanly, Tillett, Taylor, Thompson, Turner, Wm. Underwood, D. Underwood, Vann, Webster, J. White, S. Whitaker, Weaver, Wilkins, J. Walton, Worth, J. H. White, Wm. Walton, J. G. A. Williamson, Webb, Wilder, Wright, L. P. Williamson, Whitehurst, Wm. Walton—103.

The remaining orders of the day were further postponed ; and The House adjourned until to-morrow morning, 10 o'clock.

*Thursday, December 25, 1823.*

The bill making compensation to the Jurors of the Superior and County Courts of Hertford and Gates, was read the second and third times and amended.

Also the bill to establish Town Creek Academy, in Edcombe county, and to incorporate the Trustees thereof, was also read the second and third times, passed and ordered to be engrossed.

The House took up the message received from the Senate, proposing to ballot for Lieutenant-Colonel of Cavalry attached to the 15th brigade ; which was concurred in.

*Ordered*, that a message be sent to the Senate, informing that Mr. L. Cherry and Mr. Melvin attend the Senate as a committee on the part of this House, to conduct the balloting for Lieutenant-Colonel of Cavalry of the 15th brigade ; and that the name of Edwin Poor is added to the nomination.

Mr. Taylor presented the petition of the members and friends of the Protestant Episcopal Church in the city of Raleigh ; which being read, Mr. Taylor presented the following resolution :

*Resolved*, That the vestry and members of the Protestant Episcopal Congregation in the city of Raleigh be, and they are hereby permitted and authorised to erect, on the south-west corner of Moore Square, a temporary building for divine worship ; which building they shall remove whenever required so to do by the General Assembly of this State.

The question to concur with the resolution, passed in the affirmative.

A message from the Senate, informing that Mr. Pearsall and Mr. M'Dowell attend this House as a committee on their part, to conduct the balloting for Lieutenant Colonel of Cavalry.

A message from the Senate, informing that they had passed a bill to amend an act passed at the last session of the General Assembly, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government ;" also a bill to alter the

names and legitimate Sally Ann Woolard and Emeline Woolard, and asking the concurrence of this House.

The bill to amend an act passed in the year 1795, entitled "an act for appointing commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, prison and stocks;" also the bill to alter the names of Charles Alexander Williams and others, and to legitimate them; also the bill to amend an act passed in the year 1821, entitled "an act to compel the Clerks of the Superior and County Courts of Surry to keep their offices at the court-house in the town of Rockford;" also the bill to legitimate Helen Godley, Mehala Godley and Benjamin Godley; also the bill to authorise Alexander Long to erect and keep up a gate across the road in Rowan county, were severally read the second and third times, passed, and ordered to be enrolled.

A message from the Senate proposing to ballot immediately for Major of Cavalry of the 14th brigade, and informing that Joseph White is nominated for the appointment. The message was concurred with, and a message sent to the Senate, informing that Mr. Lamon and Mr. J. G. A. Williamson form a committee on the part of this House to conduct the balloting, and proposing to ballot thereafter for Lieutenant Colonel of Cavalry attached to the 10th brigade, and informing that John Zimmerman is nominated for the appointment.

Mr. Cherry, from the committee appointed to conduct the balloting for Lieutenant Colonel of Cavalry attached to the 15th brigade, reported that the committee had performed that duty, and that it appeared on examining the ballots, neither of the candidates had a majority of the whole number. The question to concur with the report, passed in the affirmative.

A message from the Senate, informing that Mr. Wall and Mr. Hatch, of Wayne, attend this House to conduct the balloting for Major of Cavalry in the 14th brigade.

A message from the Senate, informing that Mr. Alexander and Mr. Wilson attend this House, as a committee on their part to conduct the balloting for Lieutenant Colonel of Cavalry attached to the 10th brigade.

On motion, *ordered*, that a message be sent to the Senate, informing that Mr. Holland and Mr. Pugh wait on the Senate as a committee on the part of this House to conduct the balloting for Lieutenant Colonel of Cavalry attached to the 10th brigade.

The bill to amend an act passed at the last session of the General Assembly, entitled "an act to provide a revenue for the payment of the civil list and contingent charges of government," was read the first time and passed.

Mr. Lamon, from the committee appointed to conduct the balloting for Major of Cavalry attached to the 14th brigade, reported that

the committee had performed that duty, and that on counting the ballots, a majority of the whole number was found to be in favour of Joseph White, who was duly elected. The report was concurred in.

The bill to amend the first section of an act passed in the year 1818, entitled "an act directing a road to be laid out and opened from the town of Leaksville, in Rockingham county, by Rockford, in Surry county, to the town of Wilkesborough;" also the resolution in favor of Thomas Elliott, of Mecklenburg county, were each read the second and third time, passed, and ordered to be enrolled.

The bill to authorise Daniel Dougherty, of Lenoir county, to erect a bridge across Neuse river; also the bill for the more convenient administration of justice in the Court of Pleas and Quarter Sessions of Rockingham; also a bill to establish a poor-house in the county of Chowan; also the bill to repeal an act, entitled "an act to establish a Court of Probate in the county of Cumberland, and for other purposes;" also the bill to repeal the 7th section of an act passed in the year 1822, authorising certain counties therein mentioned to appoint a Committee of Finance, so far as respects the county of Anson; also the bill to exempt certain citizens of the county of Beaufort from certain duties; and also the bill concerning the Courts of Pleas and Quarter Sessions of the counties of Moore and Sampson, were severally read the second and third times, passed, and ordered to be engrossed.

The remaining orders of the day were further postponed; and The House adjourned until to-morrow morning, 10 o'clock.

*Friday, December 26, 1823.*

On motion, *ordered*, that Mr. Clancy, Mr. M'Cauley and Mr. Stewart have leave of absence from the service of this House after the 27th instant, until the end of the session.

Mr. Pugh, from the committee appointed to conduct the balloting for Lieutenant Colonel of Cavalry attached to the 10th brigade, reported that the committee had performed that duty, and that on examining the ballots, it appeared John Zimmerman had a majority of the whole number, and was duly elected. The question to concur with the report passed in the affirmative.

On motion, *ordered*, that Mr. Jarman, Mr. Williamson, of Northampton, and Mr. Mhoon have leave of absence after to-morrow, until the end of the session.

The bill to alter the names and legitimate Sally Ann Woolard and Emeline Woolard, was read the first, second and third times; also the bill for the relief of such persons as became purchasers of the Cherokee Lands sold under the authority of this State, was read the third time. The question shall the said bills pass and be enrolled, was determined in the affirmative.

Mr. Carson, from the select committee of Finance, to whom was referred the examination of the Comptroller's Vouchers, reported

that the committee had examined and found them correct, and that he had cancelled the Vouchers. The report was concurred in.

The House resumed the consideration of the resolution directing the discharge of the Civil Engineer after the first of July ensuing, and the question of indefinite postponement thereof, recurring, the question thereon was determined in the negative—Yea 56—Nays 70.

Those who voted in the affirmative, are

YEAS—Messrs. Ashe, Blackledge, Brown, Baine, Beall, Brodnax, Bynum, Conrad, Croom, Carson, Clement, Campbell, Clancy, Edmondson, Flynt, Fisher, Gary, Graham, Hargrave, J. L. Hill, Holland, Henderson, Hellen, Hunter, J. A. Hill, Iredell, R. A. Jones, R. H. Jones, Jeter, Lowrie, Love, M'Millan, Melchor, M'Lean, M'Cauley, Mebane, T. N. Mann, R. Martin, M'Farland, Polk, Rainey, Stewart, Sidbury, Stanly, Strange, Shepherd, Taylor, Turner, Thompson, J. Whitaker, Ward, L. Williamson, J. G. A. Williamson, Webb, Wright, Walker—56.

Those who voted in the negative, are

NAYS—Messrs. Alston, Alford, W. D. Barnard, J. M. Bryan, E. H. Bell, Bowers, Baker, T. Bell, C. Barnard, Barrow, Brower, Brookes, Bright, L. Cherry, Copeland, J. Cherry, Cole, Davis, Dargan, Davenport, Edwards, Elliott, Fox, Frederick, Forbes, J. Gordon, Helme, Howell, Hoover, W. Horton, Hastings, Hassell, Jarman, Kilpatrick, Leonard, Lewis, Lamon, Mhoon, Melvin, M'Neill, Morgan, A. Martin, M'Daniel, E. Mann, Mewborn, Ormond, Oliver, Pugh, Roane, Ramsay, Stedman, Stephens, Seawell, Tillett, W. Underwood, D. Underwood, Vann, Webster, J. White, S. Whitaker, Weaver, Wilkins, J. Walton, J. H. White, Watson, Wilder, Whitehurst, W. Walton, Sellers, Smith—70.

Mr. Williamson, of Person, moved that the resolution be amended, by striking out the first day of July ensuing, and inserting the first day of January, 1825. The question thereon passed in the affirmative—Yea 68—Nays 60.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Blackledge, Brown, Brower, Bodenhamer, Beall, Brodnax, Baine, Bynum, Conrad, Croom, Carson, Clement, Campbell, Clancy, Davis, Davenport, Edmondson, Fox, Flynt, Fisher, Gary, Graham, Hargrave, J. L. Hill, Holland, Hellen, Henderson, Hunter, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Lowrie, Love, M'Millan, Melchor, M'Lean, Miller, Morgan, M'Cauley, Mebane, T. N. Mann, R. Martin, M'Farland, Ormond, Oliver, Polk, Rainey, Ramsay, Stewart, Sidbury, Shepherd, Strange, Stanly, Taylor, Thompson, Turner, Weaver, J. Whitaker, Worth, Ward, J. G. A. Williamson, Webb, Wright, L. P. Williamson, Walker—68.

Those who voted in the negative are,

NAYS—Messrs. Alston, Alford, W. D. Barnard, J. M. Bryan, E. H. Bell, Baker, T. Bell, C. Barnard, Barrow, Brooks, Brower, Bright, Collins, L. Cherry, Copeland, Cole, J. Cherry, Dargan, Edwards, Elliott, Forbes, Frederick, J. Gordon, Helme, Hoover, Howell, Horton, Hastings, Hassell, Jarman, Leonard, Lamon, Lewis, Mhoon, Melvin, M'Neill, A. Martin, M'Daniel, E. Mann, Mewborn, Pugh, Stedman, Roane, Stephens, Seawell, Sellers, Smith, Tillett, W. Underwood, D. Underwood, Vann, Webster, J. White, S. Whitaker, Wilkins, J. Walton, Watson, Wilder, Whitehurst, W. Walton—60.

The House then adjourned until 3 o'clock, P. M.

#### *Evening Meeting.*

On motion, *ordered*, that Mr. Hassell and Mr. S. A. Bryan have leave of absence from the service of this House after to-morrow, until the end of the session.

A message from the Senate, informing that they had passed a bill to authorise certain persons therein named, to raise by way of lottery, five hundred and fifty dollars for building a bridge across the South Yadkin ; also a bill to incorporate the Lincoln Agricultural Society ; and asking the concurrence of this House.

A message from the Senate, informing that they had passed the engrossed bill prescribing the manner in which the Sheriff of Buncombe county shall pay over the tax for building a court-house in said county, with an amendment ; also that they had passed the engrossed bill to amend an act passed in the year 1818, entitled "an act to alter and regulate the annual elections in Hyde county," with an amendment. The message was concurred in, and the Senate informed thereof by message.

The bill to legitimate Nancy Johnston and others, of Moore county ; also the bill to amend an act passed at the last session of the General Assembly, entitled "an act for the better regulation of the County Courts of Cabarrus, Moore, and Montgomery," so far as relates to the county of Cabarrus ; also the bill to legitimate Benjamin Franklin Jackson, son of Pinea West, dec. and Benjamin M. Jackson, of the county of Pasquotank ; also the bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the county of Washington ; also the bill for the better regulation of the town of Nashville ; also the bill to establish a poor-house in the county of Rutherford ; also the bill to incorporate the Lincoln Agricultural Society ; also the bill to regulate seine fisheries on Blount's Creek, in Beaufort county ; also the bill for the regulation of the Courts of Pleas and Quarter Sessions of the county of Buncombe. These bills were severally read the second and third times, passed, and ordered to be enrolled.

The bill for the relief of Elizabeth Hoggatt, of the county of Guilford ; also the bill to increase Constable's fees in the county of New-Hanover ; also the bill to regulate the Courts of Pleas and Quarter Sessions of Duplin county ; also the bill to amend an act passed in the year 1812, entitled "an act directing the time and manner of appointing overseers of roads in Richmond county ;" also the bill to amend and continue in force, an act passed in the year 1820, entitled an act appointing commissioners for fixing upon a suitable place for the public buildings in Hyde county, and for other purposes ; also the bill to incorporate the Milton Male Academy in the county of Caswell ; also the bill to establish a poor and work-house in the county of Duplin ; also the bill to divorce Jacob Johnston, of Chatham county, from his wife Hannah ; also the bill to provide for the paying of jurors of the county of Wayne. These bills were severally read the second and third times, passed, and ordered to be engrossed.

The resolution in favour of Richard T. Brownrigg, late Colonel of the Chowan regiment of militia ; also the resolution in favour of

John Barnett, Sheriff of Person county, were read the second and third times, passed and ordered to be engrossed.

Mr. Davenport presented a bill directing the appointment and time of holding the board of appeals for Washington county, and for other purposes.

Mr. Stanly presented a bill respecting the poor tax of the county of Craven.

Mr. Ormond presented a bill to regulate the seine fisheries on Tranter's Creek. These bills were respectively read the first, second and third times, passed, and ordered to be engrossed.

The bill to establish a light infantry or volunteer company in the county of Richmond; also the bill securing to Jane Wellborn, of Randolph county, and Sarah Pinnex, of Surry county, the property they may hereafter acquire; also the bill to amend an act passed in the year 1820, for the better organization of the militia of Beaufort county. These bills were severally read the second and third times, passed, and ordered to be enrolled.

Mr. Stanly presented a bill to keep open Goose Creek, in the county of Craven, which was read the first, second and third times, passed, and ordered to be engrossed.

The bill authorising the Court of Pleas and Quarter Sessions of Rowan county to levy a tax and appoint commissioners to build a bridge across the South Yadkin river; also the bill to amend an act, entitled "an act directing the time and place of sale of lands and slaves under execution," so far as respects the county of Rowan, were read the second and third times, passed and ordered to be engrossed.

The engrossed bill to authorise certain persons hereafter named, to raise by way of lottery, five hundred and fifty dollars for building a bridge across the South Yadkin river, received from the Senate, was read the first, second and third times, passed and ordered to be enrolled.

The bill to incorporate New River Providence Library Company, was read the third time, passed and ordered to be engrossed.

Mr. Iredell moved that a message be sent to the Senate, proposing that both Houses adjourn sine die to-morrow evening. The question thereon, passed in the negative.

The remaining orders of the day were further postponed; and  
The House adjourned until to-morrow morning, 10 o'clock.

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Saturday, December 27, 1823.

A message from the Senate, proposing to ballot immediately for a Trustee of the University of North-Carolina. The message was concurred in; and a committee appointed, consisting of Mr. Pugh and Mr. Bynum, to conduct the balloting. The names of John S. Ravenscroft and John A. Cameron were withdrawn.

A message from the Senate, informing that Mr. M'Dowell and Mr. Speight form a committee on their part to conduct the balloting for one Trustee of the University ; and adding the name of Joseph Hawkins to the nomination.

Mr. Stanly presented a bill concerning judgments taken before Justices of the Peace ; which was read the first and second times, and passed.

Mr. Bynam, from the committee appointed to conduct the balloting for one Trustee of the University of North-Carolina, reported, that the committee had performed the duty assigned to them ; and that on examining the ballots, it appeared neither of the candidates had a majority of the whole number. The report was concurred in.

On motion, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for a Board of Internal Improvements ; and proposing further, to postpone until the next session of the General Assembly, balloting for one Trustee of the University of North-Carolina.

The bill to raise a fund to liquidate the debt due to the State Bank of North-Carolina, was read the second time, and the title amended, to read "a bill to authorise the issuing of treasury notes." The question, shall the bill pass, was determined in the affirmative.

Mr. Sellers, from the Committee on Military Affairs, to whom was referred the resolution requiring them to enquire into the expediency of repealing the 5th section of an act, passed in 1812, entitled "an act to amend the militia laws of this State," reported a bill to repeal the 5th section of an act, passed in the year 1812, entitled "an act to amend the militia laws of this State." The bill reported, was read the first time and passed.

Mr. Sellers, from the same committee, to whom was referred the resolution instructing them to enquire into the expediency of altering and explaining that part of the militia laws which exempts millers from performing military duty, reported a bill, in pursuance of the resolution, to explain the second section of an act to revise the militia laws of this State, relative to the infantry. The bill was read the first time and passed.

The resignation of William P. Waugh, Colonel Commandant of the regiment of Cavalry attached to the 9th brigade, was read and accepted.

A message from the Senate, informing that Mr. Hill, of Stokes, and Mr. Hatch, of Wayne, form a committee to conduct the balloting for a Board of Internal Improvements on their part. *Ordered*, that a message be sent to the Senate, informing that Mr. Blackledge and Mr. Ashe wait on the Senate as a committee on the part of this House, to conduct the balloting for a Board of Internal Improvements.

Mr. Ward, from the Committee of Claims, to whom was referred the petition of the heirs at law of the late Benjamin M'Culloch, made a report favorable to the prayer of the petition, recommending the passage of a resolution directing the Public Treasurer to pay the heirs at law of Benjamin M'Culloch the sum of four thousand and forty-three dollars and seventy-seven cents (\$4043 77 cts.) The report was concurred in, and the resolution read and adopted.

On motion of Mr. Iredell,

*Resolved*, That when the House adjourns, it adjourn until Monday morning, 10 o'clock.

Mr. Blackledge, from the committee appointed to conduct the balloting for a Board of Internal Improvements, reported, that the committee had performed that duty; and that it appeared, on examining the ballots, Duncan Cameron, Durant Hatch, Montfort Stokes, John D. Hawkins, Thomas Turner, and John Owen, had each a majority of the whole number, and were duly elected. The report was concurred in.

Mr. Stanly, from the sub-committee of Finance, reported, that there is in the Treasury the sum of five thousand six hundred and ninety-six dollars twenty-five cents (\$5696 25 cents,) of ragged and defaced treasury notes, unfit for circulation, and recommended the passage of a resolution directing the Treasurer, under the inspection of the sub-committee of Finance, to burn the said notes. The question to concur with the report, passed in the affirmative.

Mr. Stanly presented a bill concerning the Banks of this State; which was read the first and second times and passed.

Mr. Martin, of Rockingham, called up the resolutions presented by him on the 21st of last month; which being read, Mr. Bynum moved that the further consideration be postponed indefinitely. The Yeas and Nays being called for, the question thereon passed in the affirmative—Yeas 83—Nays 41.

Those who voted in the affirmative, are

YEAS—Messrs. Alston, Alford, W. D. Barnard, Blackledge, J. M. Bryan, E. H. Bell, Bowers, Baker, T. Bell, C. Barnard, Brooks, Bynum, Barrow, Bright L. Cherry, Croom, Copeland, J. Cherry, Cole, Campbell, Davis, Davenport, Edwards, Elliott, Fox, Frederick, Forbes, Gary, Helme, Howell, Hastings, Hellen, Hassell, J. A. Hill, R. A. Jones, Jeter, Jarman, Iredell, R. H. Jones, Kilpatrick, Leonard, Lamon, Mhoon, Melvin, M'Millan, A. Martin, M'Daniel, T. N. Mann, E. Mann, M'Farland, Mewborn, Ormond, Oliver, Pugh, Stedman, Stephens, Stewart, Seawell, Sidbury, Sellers, Stanly, Smith, Strange, Tillett, Taylor, Turner, D. Underwood, Vann, Webster, S. Whitaker, Weaver, Wilkins, J. Walton, J. H. White, W. Watson, Ward, L. P. Williamson, Walker, Whitelhurst, W. Walton, J. G. Williamson, Webb, Wilder—83.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Brown, Baine, Beall, Brower, Brodnax, Collins, Conrad, Carson, Clement, Dargan, Flynt, Fisher, J. Gordon, J. Graham, J. L. Hill, Holland, Hoover, Henderson, Horton, Hunter, Lowrie, Love, M'Neill, Melchor, M'Lean, Morgan, M'Cauley, Mebane, R. Martin, Polk, Roane Rainey, Ramsay, Shepherd, Thompson, W. Underwood, Jo. White, J. Whitaker, Worth, T. Wright—41.

The bill to amend an act, passed in 1806, entitled “an act for the more uniform and convenient administration of justice within

this State," was read the second time. Mr. Alston moved that the bill be postponed indefinitely. The Yeas and Nays being called for, the question thereon, passed in the negative—Yeas 57—Nays 61.

Those who voted in the affirmative are,

YEAS—Messrs. Alston, Baker, T. Bell, C. Barnard, Brooks, Beall, Bynum, Barrow, Collins, L. Cherry, J. Cherry, Cole, Davis, Dargan, Davenport, Elliott, Fox, Flynt, Frederick, Forbes, J. Gordon, Gary, Howell, R. A. Jones, Kilpatrick, Leonard, Love, Lamon, Lewis, Melvin, A. Martin, R. Martin, E. Mann, M'Farland, Mewborn, Oliver, Stedman, Stephens, Seawell, Sidbury, Sellers, Tillett, Thompson, Turner, D. Underwood, Vann, Webster, Weaver, Wilkins, J. Walton, J. H. White, Watson, J. G. A. Williamson, Wilder, Wright, L. P. Williamson, Wm. Walton—57.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alford, W. D. Barnard, Blackledge, J. M. Bryan, Brown, E. H. Bell, Bowers, Baine, Brodnax, Brower, Bright, Conrad, Croom, Copeland, Carson, Clement, Edmondson, Edwards, Fisher, Graham, Hargrave, J. L. Hill, Holland, Hoover, Henderson, Horton, Hastings, Hellen, Hunter, J. A. Hill, Jeter, Iredell, R. H. Jones, Lowrie, M'Millan, M'Neill, Melchor, M'Lean, Morgan, Mebane, M'Daniel, T. N. Mann, Ormond, Pugh, Polk, Roane, Rainey, Ramsey, Shepherd, Smith, Strange, Stanly, Taylor, Jo. White, S. Whitaker, J. Whitaker, Worth, Ward, Webb, Whitehurst—61.

Mr. Alston moved that the bill be amended by striking out the whole after the 14th section. The question thereon passed in the affirmative.

The bill as amended was put on its passage, and the question shall the said bill pass, was determined in the affirmative. Yeas 59, nays 58. The yeas and nays called for by Mr. Flynt; those who voted in the affirmative, are

YEAS—Messrs. Ashe, Alford, W. D. Barnard, Blackledge, E. H. Bell, Bane, T. Bell, C. Barnard, Brower, Bright, Conrad, L. Cherry, Carson, Clement, Campbell, Davenport, Edmondson, Edwards, Fisher, Graham, Hargrave, J. L. Hill, Holland, Hoover, Henderson, Horton, Hastings, Hellen, J. A. Hill, Jeter, Iredell, R. H. Jones, Leonard, Lowrie, M'Millan, M'Neill, Melchor, McLean, Morgan, Mebane, M'Daniel, M'Farland, Ormond, Pugh, Polk, Roane, Rainey, Smith, Stanly, Taylor, J. White, S. Whitaker, J. Whitaker, Worth, Wm. Watson, Ward, Wright, Whitehurst—59.

Those who voted in the negative, are

NAYS—Messrs. Alston, J. M. Bryan, Brown, Bowers, Baker, Brooks, Beall, Brodnax, Barrow, Collins, Croom, Copeland, J. Cherry, Davis, Dargan, Elliott, Fox, Flynt, Frederick, J. Gordon, Garey, Howell, Hunter, R. A. Jones, Kilpatrick, Love, Lamon Lewis, Melvin, A. Martin, T. N. Mann, R. Martin, E. Mann, Mewborn, Oliver, Ramsey, Stedman, Stephens, Seawell, Sidbury, Shepherd, Sellers, Tillett, Thompson, Turner, W. Underwood, D. Underwood, Vann, Webster, Weaver, Wilkins, J. Walton, White, J. G. A. Williamson, Webb, Wilder, L. P. Williamson, W. Walton—58.

Received from His Excellency the Governor, by his Private Secretary Mr. Harden, the following communication:

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN—In compliance with the request of the Legislature of Tennessee, I take the liberty of presenting to your honourable body the observations and resolutions of that State, expressed to their Representatives in Congress, dissuading them from uniting in Caucus intentionally to nominate any person to the next Presidency.

These resolutions and their exordium are couched in strong impressive language, supporting the Constitution of the United States zealously in its primitive purity, before innovation or rancorous faction distorted its plain, simple signification.

Whether the elections by the people that gave the Presideneey to General Washington, Mr. Adams and Mr. Jefferson, were not as patriotic and constitutional as those that promoted Mr. Madison and Mr. Monroe to the Chief-Magistracy, is not a very difficult problem to solve ; but whether the people would, or would not, have possessed the same patriotism and unanimity of sentiment without the existence of a Caucus, in the election of the two last named gentlemen to the Presideneey, is a question that may appear more difficult of solution ; but my sentiments are, that the people will always do right in using the elective franchise, if they are not disturbed or dictated to in their wise, deliberative counseils.

I have the honor to be, gentlemen, your ob't servant,

GAB'L. HOLMES.

*Executive Office, 27th Dec. 1823.*

**Mr. Helme** moved that the communication be sent to the Senate, with a proposition to be printed, one copy for each member. This was objected to, and the question thereon passed in the affirmative—**Yea**s 64—**Nay**s 58. The yeas and nays called for by **Mr. Bynum.**

Those who voted in the affirmative are,

**YEAS**—Messrs. Alston, Alford, E. H. Bell, Baine, T. Bell, C. Barnard, Brooks, Beall, Barrow, Collins, Conrad, Croom, Carson, Campbell, Davis, Dargan, Edmondson, Edwards, Flynt, Fisher, Frederick, J. Gordon, Hargrave, J. L. Hill, Holland, Helme, Howell, Henderson, Hastings, Hellen, Hunter, J. A. Hill, Iredell, Kilpatrick, Love, M'Millan, M'Neill, Melehor, M'Lean, Morgan, A. Martin, Mebane, T. N. Mann, R. Martin, M'Farland, Ormond, Oliver, Polk, Stedman, Stephens, Shepherd, Smith, Stanly, Vann, Webster, Jo. White, S. Whitaker, Weaver, J. Whitaker, J. Walton, Ward, J. G. A. Williamson, Webb, Wilder—64.

Those who voted in the negative are,

**NAYS**—Messrs. Ashe, W. D. Barnard, Blackledge, J. M. Bryan, Brown, Bowers, Baker, Brodnax, Bynum, Bright, L. Cherry, Copeland, J. Cherry, Cole, Davenport, Elliott, Fox, Forbes, Gary, Graham, Hoover, Horton, Hassell, R. A. Jones, Jeter, R. H. Jones, Leonard, Lowrie, Lamon, Lewis, Mhoon, Melvin, M'Daniel, E. Mann, Mewborn, Pugh, Roane, Rainey, Ramsey, Stewart, Seawell, Sidbury, Sellers, Strange, Tillett, Taylor, Thompson, Turner, W. Underwood, D. Underwood, Wilkins, J. H. White, Wm. Watson, T. B. Wright, L. P. Williamson, Walker, Whitehurst, Wm. Walton—58.

The remaining orders were further postponed, and

The House adjourned until Monday morning, 10 o'clock.

*Monday, December 29, 1823.*

The Speaker laid before the House the memorial of the Trustees of the University, on the subject of military land warrants.

*Ordered*, that the petition be referred to a select joint committee, and on the part of this House to Messrs. Mebane, Iredell and Stanly.

On motion, *ordered*, that Mr. Oliver, Mr. Kilpatrick and Mr. Bright, have leave of absence after this day, and Mr. Smith after to-morrow, until the end of the session.

The bill directing a geological survey to be made of the state of North-Carolina, was read the first and second times and passed.

On motion of Mr. Brown, the House proceeded to consider the bill concerning the Roanoke Navigation Company, which being read the second time and amended, Mr. Baker moved that the said bill be postponed indefinitely. The question thereon passed in the nega-

tive—Yeas 46—Nays 66. The Yeas and Nays called for by Mr. Baker.

Those who voted in the affirmative are,

YEAS—Messrs. W. D. Barnard, Baker, T. Bell, C. Barnard, Barrow, Collins, L. Cherry, Dargan, Edmondson, Edwards, Elliott, Fox, Forbes, Frederick, J. Gordon, Helme, Hoover, Howell, Hastings, Love, Lamon, Melvin, M'Neil, A. Martin, E. Mann, Pugh, Stedman, Stephens, Seawell, Sellers, Smith, Tillett, Thompson, D. Underwood, Vann, Webster, S. Whitaker, Weaver, Wilkins, J. Walton, Watson, Wilder, Wright, W. Walton, J. Cherry—46.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alston, Alford, Blackledge, J. M. Bryan, Brown, E. H. Bell, Brower, Baine, Brooks, Beall, Brodnax, Conrad, Croom, Copeland, Carson, Cole, Clement, Campbell, Davis, Davenport, Flynt, Gary, Graham, Hargrave, J. L. Hill, Holland, Hellen, Henderson, Hunter, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, M'Millan, Melchor, M'Lean, Morgan, Mebane, T. N. Mann, M'Daniel, R. Martin, M'Farland, Mewborn, Ormond, Oliver, Roane, Rainey, Ramsay, Sidbury, Shepherd, Strange, Stanly, Taylor, Turner, W. Underwood, J. Whitaker, Worth, White, Ward, J. G. A. Williamson, Webb, W. Walton, Walker, Horton—66.

The bill was then put on its passage, and the question, shall the said bill pass, was determined in the affirmative.

On motion, *ordered*, that the said bill be read the third time, and the question, shall the said bill pass for its third reading, was determined in the affirmative.

The resolution in favour of the doorkeepers of the two Houses, received from the Senate, allowing them each 25 dollars, was read, concurred with, and ordered to be enrolled.

On motion of Mr. Croom,

*Resolved*, that the Board of Internal Improvements be, and they are hereby instructed to have surveyed the North East branch of the Cape-Fear river, from the first obstruction above its mouth to the head of navigation, and report thereon to the next General Assembly.

On motion of Mr. Stanly,

*Resolved*, that the Secretary of State purchase, either in this State or elsewhere, as he may think best, the Stationery required for the Executive, the Officers of the other Departments of Government, and the Clerks of the General Assembly for the ensuing year; and that the Treasurer advance the sum necessary to make such purchase, not exceeding three hundred dollars; and that the rule of the House, requiring all resolutions, the object of which is to draw money out of the Treasury, be dispensed with, so far as it respects this resolution.

Mr. Stanly, from the Judiciary committee, to whom was referred the resolution directing an enquiry into the expediency of requiring holders of notes and obligations to give notice to the securities of such notes and obligations, of the non-payment thereof, reported, that in the opinion of the committee, no change is necessary in the law on the subject referred to them. The question to concur with the report passed in the affirmative.

Mr. Blackledge, from the committee to whom was referred the petition of John Gray Blount, reported favourably to the prayer of the petition, directing the Secretary of State to issue to him two military land warrants. The question to concur with the report passed in the affirmative.

The bill for the benefit of John B. Whiteside and Tho's Hughes; also the bill authorising the erection of a public bridge over New River, in Ashe county; also the bill to establish a Superior Court of Law and Equity in the county of Davidson, and to alter the times of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Courts of Stokes, and the County Courts of Person; also the bill to amend an explain the 6th section of an act passed in 1814, entitled "an act for the more perfect organization of the militia of this State," received from the Senate, were severally read the first time and passed.

The bill to legalize and render valid certain grants therein named, received from the Senate, was read the first and second times and passed.

The bill to amend an act passed in 1810, entitled "an act to establish a separate regiment in the county of Robeson," was read and ordered to lie on the table.

Mr. Roane presented a bill to appropriate two thousand five hundred dollars to opening the Fayetteville road from Morganton to the Tennessee line, over the Yellow Mountain. The bill was read the first time and rejected.

The bill respecting the inspection of Cotton in the county of New Hanover, was read the first and second time and rejected.

The resolution in favour of Wm Siler, of Haywood county, received from the Senate, was read the first, second and third times, passed, and ordered to be enrolled.

The bill to authorise and empower the commissioners of the town of Smithfield to levy and collect additional taxes, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The bill to authorise the issuing of Treasury Notes was read the third time: Mr. Jones, of Warren, moved that the said bill be postponed indefinitely. The question thereon passed in the negative—  
Yea 22—Nays 91.

Those who voted in the affirmative, are

YEAS—Messrs. Brown, Croom, Gary, Graham, Henderson, Hellen, R. A. Jones, Iredell, R. H. Jones, Melvin, M'Neill, M'Lean, Mebane, T. N. Mann, M'Farland, Roane, Rainey, Stephens, Shepherd, Strange, Smith, Turner—22.

Those who voted in the negative, are

NAYS—Messrs. Alston, Ashe, W. D. Barnard, Blackledge, J. M. Bryan, E. H. Bell, Bowers, Baker, T. Bell, Baine, C. Barnard, Beall, Brodnax, Barrow, Brower, Conrad, Collins, Copeland, J. Cherry, L. Cherry, Cole, Carson, Clement, Campbell, Davis, Dargan, Davenport, Edmondson, Edwards, Elliott, Fox, Flynt, Forbes, J. Gordon, Hellen, Hargrave, J. L. Hill, Helme, Howell, Hoover, W. Horton, Hastings, Hunter, J. A. Hill, Jeter, Lowrie, Leonard, Love, Lewis, Lamon, M'Millan, Melchor, Morgan, A. Martin, M'Daniel, R. Martin, E. Mann, Mewborn, Ormond, Pugh, Ramsay, Stedman, Seawell, Sidbury, Sellers, Stanly, Tillett, Thompson, Taylor, W. Underwood, D. Underwood, Vann, Webster, J. White, S. Whitaker, Weaver, J. Whitaker, Wilkins, J. Walton, Worth, J. H. White, W. Walton, Ward, J. G. A. Williamson, Webb, Wright, Wilder, Whitehurst, Watson, Walker—91.

The bill was then put on its passage; and the question, shall the bill pass and be engrossed, was determined in the affirmative.

The Speaker laid before the House the following communication from the Public Treasurer, John Haywood :

*To the Honorable the Speaker and Members of the House of Commons of the General Assembly of the State of North-Carolina.*

**GENTLEMEN**—In obedience to the resolution of the House of Commons of the 24th current, requiring a statement of the several amounts paid into the Public Treasury by the Clerks of the County and Superior Courts of this State, pursuant to the provisions of an act, entitled “an act to promote agriculture and domestic manufactures,” passed in the year 1822, I do myself the honor to transmit the enclosed, which it will be seen commences after the first day of November last, (previous to which day neither return nor payment in this behalf had been made at the Treasury) and is continued or brought forward up to the present time.

The law above mentioned, has hitherto effected but little; and the Public Treasurer would be as much mortified in submitting the statement required, as the members of the House of Commons will, in all probability, be surprised and disappointed by it, could any portion of that blame which, of right, attaches to this law, and to the remissness and inattention of others, be properly or justly imputed to him; but when the House shall be reminded that the act of the last Assembly clothes the Treasurer with no coercive power or authority whatever, but leaves it to the Clerks of the Courts throughout the State to make returns to him, when it may suit their convenience to do so, and to make payment to the Public Treasurer within a reasonable time thereafter, it will at once be seen that the provisions of this law, to say the least of them, are equally imperfect and faulty with the administration of it; and that they particularly need revision and amendment.

Much and respectfully, gentlemen, your obedient servant,

JOHN HAYWOOD, P. Treas'r.

RALEIGH, December 26, 1823.

No term of the Supreme Court has been held since the first of September last, and of course no return or payment has been due from the Clerk of that Court.

On motion, ordered, that the communication be referred to a select committee, consisting of Messrs. Helme, Alston, Hargrave and M'Lean.

On motion, ordered, that the bill to amend and extend the provisions of an act, entitled an act to promote agriculture and family domestic manufactures within this State, be referred to the select committee, to whom is referred the communication from the Public Treasurer of the 26th inst.

The House then adjourned until 3 o'clock, P. M.

#### *Evening Meeting.*

On motion, ordered, that Mr. Lamon have leave to withdraw from the files the documents accompanying the petition of Henry Williams, of Nash county.

The bill for the benefit of John B. Whiteside and Thomas Hughes, received from the Senate, was read the first time and passed. Ordered, that the said bill be read the second time; and the question, shall the said bill pass, was determined in the negative.

Mr. Beall, who voted in the majority on the said bill, moved that the House do reconsider that vote. The question thereon, was determined in the negative.

On motion of Mr. Helme, *ordered*, that the bill supplemental to an act, passed at the last session of the General Assembly, entitled "an act to promote agriculture and family domestic manufactures within this State," be referred to the committee to whom was referred the communication of the Public Treasurer, of the 26th inst.

Mr. Stanly, from the committee to whom was referred the memorial of the Society of Friends, from the meeting in Guilford county, reported, that in the opinion of the committee, it is not expedient to grant the prayer of the memorial. The question to concur with the report, passed in the affirmative.

Mr. Stanly, from the Committee on the Judiciary, to whom was referred a resolution instructing them to enquire whether any, and if any, what alteration is necessary in the laws now in force, on the subject of selling real estate of deceased persons, so as to provide that executors and administrators should be authorised to sell the same when the situation of the estate should require it, reported, that in the opinion of the committee no alteration is necessary in the laws; and praying to be discharged from the further consideration thereof. The question to concur with the report, passed in the affirmative.

The bill for the relief of the securities of Abner Hannah, late Sheriff of Guilford county, was read the second time; also the bill to authorise the County Court of Rockingham to appoint some person to collect the arrears of taxes due for the years 1821 and 1822, was read the second and third times; and, on motion, ordered to be postponed indefinitely.

A message from the Senate, informing that they had postponed indefinitely the proposition of this House to have printed the message of the Governor of Saturday last.

On motion, *resolved*, that the rule of the House to act only on private bills in the evening sittings, be suspended to take up the bill to alter the present mode of electing Sheriffs, and to vest the right thereof in the free people of this State.

The bill to alter the present mode of electing Sheriffs, and to vest the right thereof in the free people of this State, was read for its first reading. Mr. Ward moved that the further consideration of the said bill be postponed indefinitely. The question thereon, was determined in the negative—Yeas 53—Nays 57. The Yeas and Nays called for by Mr. Ashe.

Those who voted in the affirmative, are

YEAS—Messrs. Alston, Alford, W. D. Barnard, J. M. Bryan, Baker, Brooks, Brodnax, Barrow, Collins, Croom, Carson, Campbell, Edwards, Flynt, Frederick, Garry, Graham, Hargrave, Helme, Howell, Henderson, Horton, J. A. Hill, R. A. Jones, Iredell, R. H. Jones, M'Neill, M'Lean, A. Martin, M'Daniel, E. Mann, Mewborn, Pugh, Rainey, Stephens, Sidbury, Shepherd, Sellers, Smith, Strange, Stanly, Taylor, Turner, W. Underwood, Wilkins, J. Walton, White, Watson, Ward, J. G. Williamson, Wright, Walker, W. Walton—53.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Blackledge, Bowers, Baine, T. Bell, C. Barnard, Beall, Brower, Conrad, L. Cherry Cole, Clement, Davis, Davenport, Edmondson, Elliott, Fox, Forbes, J. Gordon, J. L. Hill, Holland, Hoover, Hastings, Hellen, Hunter, Jeter, Leonard, Lamon, Love, Lewis, Melvin, M'Millan, Melchor, Morgan, Mebane, T. N. Mann, R. Martin, Ormond, Roane Ramsay, Stedman, Seawell, Tillett, Thompson, D. Underwood, Vann, Webster, White, Weaver, S. Whitaker, J. Whitaker, Worth, Webb, Wilder, Whitehurst, Copeland, J. Cherry—57.

The bill was put on its passage, and the question shall the said bill pass, was determined in the affirmative.

Mr. Whitaker presented the petition of Titus Jennings Turner of the county of Wake, praying for a military warrant; the petition was read and ordered to lie on the table.

A message from the Senate agreeing to refer the memorial of the Trustees of the University to a select joint committee, and to Mr. Hatch of Jones, Mr. Bryan and Mr. Sneed on their part.

Mr. Stanly, from the Committee of Finance, to whom was referred a resolution directing them to enquire into the expediency of providing by law, that two freeholders be associated with the Justice of the Peace, in the valuation of lands in each district subject to taxation, reported that the committee had had the subject under consideration, and are of opinion that it is not expedient to make any alteration in the existing law in that regard, and praying to be discharged from the further consideration thereof. The question to concur with the report passed in the affirmative.

Received from His Excellency the Governor, the following communication.

*To the Honorable the General Assembly of the State of North-Carolina.*

GENTLEMEN—I herewith lay before you some resignations of field-officers and Justices of the Peace,

I have the honor to be, very respectfully, your ob't servant,

GAB'L. HOLMES.

*Executive Office, Dec. 29, 1823.*

On motion, ordered, that the said communication lie on the table.

The remaining orders were further postponed, and the House adjourned until to-morrow morning, 10 o'clock.

*Tuesday, December 30, 1823.*

Mr. Iredell, from the select joint-committee to whom was referred the message of the Governor, with the accompanying papers in the case of Mr. Appleton, reported that the committee had had the subject under consideration, and directed him to recommend the passage of a resolution allowing Mr. Appleton one thousand dollars. The resolution was read the first time and passed.

The bill directing a geological and mineralogical survey of the State of North-Carolina to be made, was read the second time and ended.

Mr. M'Farland moved that the further consideration of the bill

be postponed indefinitely. The question thereon passed in the affirmative—Yees 59—Nays 51. Yees and Nays called for by Mr. M'Farland.

Those who voted in the affirmative are,

YEAS.—Messrs. Alston, Brown, E. H. Bell, Baker, T. Bell, C. Barnard, Brooks, Bynum, Barrow, Conrad, L. Cherry, J. Cherry, Cole, Clement, Davis, Dargan, Davenport, Edmondson, Edwards, Elliott, Frederick, Forbes, J. Gordon, Horton, Hastings, Lowrie, Love, Lamon, Lewis, Melvin, A. Martin, M'Daniel, R. Martin, E. Mann, Pugh, Roane, Rainey, Ramsey, Stedman, Stephens, Seawell, Sellers, Smith, Tillett, Wm. Underwood, D. Underwood, Vann, Webster, Wilkins, J. Walton, White, Watson, Wilder, Wright, Walker, Whitehurst, Wm. Walton, J. Whitaker, Weaver—59.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Blackledge, J. M. Bryan, Baine, Beall, Brodnax, Brower, Croom, Collins, Copeland, Carson, Campbell, Flynt, Gary, Graham, Hargrave, J. L. Hill, Holland, Hoover, Howell, Henderson, Hellen, Hunter, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Leonard, M'Millan, M'Neill, Melchor, M'Lean, Morgan, Mebane, T. N. Mann, M'Farland, Ormond, Sidbury, Shepherd, Strange, Stanly, Thompson, Turner, White, S. Whitaker, Worth, Ward, J. G. A. Williamson, Webb—51.

Mr. Helme, from the select committee to whom was referred the bill to amend and extend the provisions of an act, entitled “an act to promote Agriculture and Family Domestic Manufactures within this State,” returned the bill, recommending an amendment to strike out the whole, except the words “a bill,” and substituting in lieu thereof the amendment supplemental to an act passed at the last session of the General Assembly, entitled “an act to promote Agriculture and Family Domestic Manufactures within this State.” The question to concur with the report passed in the affirmative, and the bill as amended, read the first time and passed.

The bill to amend an act passed in the year 1806, entitled “an act for the more uniform and convenient administration of justice within this State,” was read the third time; Mr. Baker moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the affirmative—Yees 72—Nays 39. The yeas and nays called for by Mr. Baker.

Those who voted in the affirmative are,

YEAS—Messrs. Alston, J. M. Bryan, Bowers, Baker, T. Bell, C. Barnard, Brooks, Beall, Brodnax, Bynum, Barrow, Collins, Croom, Copeland, J. Cherry, Cole, Davis, Dargan, Davenport, Elliott, Fox, Flynt, Frederick, Forbes, J. Gordon, Gary, Helme, Howell, Hastings, Hunter, R. A. Jones, R. H. Jones, Leonard, Love, Lamon, Lewis, Melvin, A. Martin, M'Daniel, T. N. Mann, R. Martin, E. Mann, Mewborn, Ormond, Pugh, Stedman, Stephens, Seawell, Sidbury, Shepherd, Sellers, Smith, Thompson, Tillett, Turner, W. Underwood, D. Underwood, Vann, Webster, S. Whitaker, Weaver, Wilkins, J. Walton, J. H. White, Watson, J. G. A. Williamson, Webb, Wilder, Walker, Whitehurst, Wm. Walton—72.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Alford, Blackledge, E. H. Bell, Baine, Brower, Conrad, Carson, Clement, Campbell, Edmondson, Graham, Hargrave, J. L. Hill, Holland, Hoover, Henderson, Horton, Hellen, J. A. Hill, Jeter, Iredell, Lowrie, M'Millan, M'Neill, Melchor, M'Lean, Morgan, Mebane, M'Farland, Roane, Rainey, Strange, Stanley, J. White, J. Whitaker, Worth, Ward, Wright—39.

On motion, *ordered*, that Mr. Fox and Mr. Frederick, have leave of absence after this day until the end of the session.

The bill concerning the Roanoke Navigation Company, was read the third time, passed and ordered to be enrolled.

A message from the Senate proposing that the two Houses adjourn *sine die* at 12 o'clock to-morrow.

*Ordered*, that the message lie on the table.

The bill to authorise the building of a toll-bridge over the Roanoke river at the town of Halifax, and to incorporate a Company for that purpose, was read the third time, passed and ordered to be enrolled. The bill received from the Senate to alter the names and legitimate John Hunt and others, was read the first time and passed. The bill received from the Senate concerning the Cape Fear Navigation Company, was read the first time and passed; *ordered*, that the said bill be read for its second and third times, and the question shall the said bill pass and be enrolled, passed in the affirmative.

On motion, *ordered*, that Mr. E. H. Bell, Mr. M'Daniel, Mr. Edwards, Mr. Brooks, Mr. Sellers and Mr. E. Mann, have leave of absence after to-morrow.

The bill to establish a Superior Court of Law and Equity in the county of Davidson, and to alter the time of holding the Superior and County Courts of Guilford, Rockingham and Caswell, the Superior Court of Stokes and the County Courts of Person, was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Iredell,

*Resolved*, That the Public Treasurer pay to John Lumsden, the sum of forty-seven dollars, for various articles bought for the use of the two Houses, the present session.

*Resolved further*, That the Public Treasurer pay to Richard Roberts, one of the Door-keepers of the House of Commons, the sum of twenty dollars, for his trouble in procuring seats for this House, and that the rule requiring resolutions to draw money out of the Treasury to be read three times in each House, be dispensed with as regards this resolution.

The resignation of Francis Hawks, Colonel of Cavalry, was read and accepted.

The bill concerning the Banks of this State, also the bill concerning Judgments taken before Justices of the Peace, were read the third time and postponed indefinitely.

The bill to regulate the time of holding the Superior Courts of Law and Equity in the fifth Judicial Circuit, also the bill to appoint Commissioners to lay-off the State road from John Lyle's to Absalom Bowers old place and for other purposes, received from the Senate, were each read the first time and passed.

The resolution in favour of John Medley, Sheriff of Anson county, was read the second and third times, passed and ordered to be engrossed.

The bill authorising the erection of the bridge over New-River in Ashe county, was read the second time and postponed indefinitely.

The bill to reduce the salaries of the Supreme Court Judges of this State was read the second time; Mr. Stanly moved that the further consideration of the bill be postponed indefinitely. The question thereon passed in the negative—Yea 41, Nays 71. The yeas and nays called for by Mr. Stanly.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Alford, Blackledge, J. M. Bryan, Brodnax, Croom, Copeland, Carson, Clement, Cole, Campbell, Edwards, Fox, Gary, Graham, Hargrave, Hellen, Henderson, J. A. Hill, R. A. Jones, R. H. Jones, Jeter, Iredell, Lowrie, A. Martin, Melbene, T. N. Mann, R. Martin, Ormond, Roane, Rainey, Shepherd, Strange, Stanly, Taylor, Turner, J. Whitaker, Ward, Webb, Walker, Whitehurst—41.

Those who voted in the negative are,

NAYS—Messrs. Alston, W. D. Barnard, E. H. Bell, Bowers, Baker, Baine, T. Bell, C. Barnard, Brooks, Beall, Bynum, Barrow, Brower, Collins, Conrad, J. Cherry, L. Cherry, Davis, Dargan, Davenport, Edmondson, Elliott, Flynt, Frederick, Forbes, J. Gordon, J. L. Hill, Holland, Hoover, Helme, Howell, Hastings, Horton, Hunter, Leonard, Love, Lamont, Lewis, Melvin, M'Neill, Melchor, M'Lean, Morgan, E. Mann, M'Farland, M'Daniel, Mewborn, Pugh, Ramsey, Stedman, Stephens, Seawell, Sidbury, Sellers, Tillett, Thompson, W. Underwood, D. Underwood, Vann, Webster, J. White, S. Whitaker, Weaver, Wilkins, J. Walton, J. H. White, Watson, J. G. A. Williamson, Wright, Wilder, Wm. Walton—71.

Mr. Webb, of Person, moved to amend the bill by adding the following section :

*Be it further enacted*, that the Speaker and each and every Member of the General Assembly, and of every future Legislature of this State, shall receive \$2 40 cents per day for his services and for every thirty miles travelling to and from the seat of government.

The question thereon was determined in the negative—Yea 48—Nays 63. The Yeas and Nays called for by Mr. Jones, of Warren.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Blackledge, J. M. Bryan, Beall, Brodnax, Croom, J. Cherry, Cole, Carson, Campbell, Dargan, Fox, Frederick, Graham, Hargrave, Helme, Henderson, Hellen, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Lowrie, M'Millan, M'Neill, Melchor, Melbene, Mann, R. Martin, M'Farland, Ormond, Roane, Seawell, Shepherd, Stanly, Taylor, Thompson, Turner, Vann, S. Whitaker, Weaver, J. Whitaker, Ward, J. G. A. Williamson, Webb, Wright, Rainey—48.

Those who voted in the negative are,

NAYS—Messrs. Alston, Alford, W. D. Barnard, E. H. Bell, Brower, Baker, T. Bell, Baine, C. Barnard, Brooks, Bynum, Barrow, Bowers, Collins, Conrad, L. Cherry, Copeland, Clement, Davis, Davenport, Edmondson, Edwards, Elliott, Flynt, Forbes, J. Gordon, Gary, Holland, Hoover, Howell, Horton, Hastings, Hunter, Lamont, Lewis, Leonard, Love, Melvin, M'Lean, Morgan, A. Martin, M'Daniel, E. Mann, Mewborn, Pugh, Ramsey, Stedman, Sidbury, Sellers, Strange, Tillett, Wm. Underwood, D. Underwood, Webster, J. White, Wilkins, J. Walton, J. H. White, Watson, Wilder, Walker, Whitehurst, Wm. Walton—63.

The bill was put on its passage, and the question, shall the said bill pass, was determined in the affirmative—Yea 70—Nays 42. Yeas and Nays called for by Mr. Iredell.

Those who voted in the affirmative are,

YEAS—Messrs. Alston, W. D. Barnard, E. H. Bell, Bowers, Baine, Bynum, Barrow, T. Bell, C. Barnard, Brooks, Beall, Collins, L. Cherry, J. Cherry, Conrad, Davis, Dargan, Davenport, Edmondson, Elliott, Flynt, Frederick, Forbes, J. Gordon, J. L. Hill, Holland, Hoover, Helme, Howell, Horton, Hastings, Hunter, Leonard, Love, Lamont, Lewis, Melvin, M'Millan, M'Neill, Melchor, M'Lean, Morgan, E. Mann, Mew-

born, M'Farland, Pugh, Ramsey, Stedman, Seawell, Sidbury, Sellers, Tillett, Thompson, W. Underwood, D. Underwood, Vann, Webster, Jo. White, S. Whitaker, Weaver, Wilkins, J. Walton, J. H. White, Watson, J. G. A. Williamson, Wilder, Wright, Wm. Walton, Baker, Brower--70.

Those who voted in the negative are,

NAYS---Messrs. Ashe, Alford, Blackledge, J. M. Bryan, Brodnax, Croom, Carson, Copeland, Cole, Clement, Campbell, Edwards, Fox, Gary, Graham, Hargrave, Henderson, Hellen, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Lowrie, A. Martin, Mebane, M'Daniel, R. Martin, Ormond, Roane, Rainey, Shepherd, Strange, Stanly, Taylor, Turner, J. Whitaker, Worth, Ward, Webb, Walker, Whitehurst--42.

The House then adjourned until half past 3 o'clock, P. M.

*Evening Meeting.*

The bill to reduce the salaries of the Supreme Court Judges of this State, was read the third time: Mr. Worth moved that the bill lie on the table. The question thereon passed in the negative—Yeas 30—Nays 74. The Yeas and Nays called for by Mr. R. H. Jones.

Those who voted in the affirmative, are

YEAS---Messrs. Blackledge, J. M. Bryan, Brodnax, Croom, Carson, Campbell, Cole, Fox, Graham, Hargrave, Hellen, J. A. Hill, Jeter, Iredell, R. H. Jones, A. Martin, Mebane, T. N. Mann, R. Martin, Ormond, Rainey, Strange, Stanly, Taylor, Turner, Thompson, J. Whitaker, Worth, Ward, Whitehurst--30.

Those who voted in the negative, are

NAYS---Messrs. Ashe, Alston, Alford, W. D. Barnard, E. H. Bell, Bowers, Baker, Baine, T. Bell, C. Barnard, Brooks, Beall, Barrow, Bynum, Brower, Collins, Copeland, J. Cherry, Conrad, L. Cherry, Clement, Davis, Dargan, Davenport, Edmondson, Edwards, Elliott, Flynt, Forbes, J. Gordon, Garey, Holland, Hoover, Howell, Helme, Horton, Hastings, Hunter, R. A. Jones, Leonard, Love, Lamon Lewis, Melvin, M'Neill, McLean, Morgan, M'Daniel, E. Mann, M'Farland, Mewborn, Ramsey, Stedman, Seawell, Sidbury, Shepherd, Sellers, Tillett, D. Underwood, Vann, Webster, J. White, S. Whitaker, Weaver, Wilkins, J. Walton, J. H. White, Webb, Watson, J. G. A. Williamson, Wilder, Wright, W. Walton, W. Underwood--74.

The bill was now put on its passage, and the question shall the bill pass, was determined in the affirmative—Yeas 65—Nays 37.

Those who voted in the affirmative, are

YEAS---Messrs. Alston, W. D. Barnard, E. H. Bell, Bowers, Baker, Baine, T. Bell, C. Barnard, Brooks, Beall, Barrow, Collins, Conrad, J. Cherry, Davis, Edmondson, Elliott, Flynt, Frederick, Forbes, J. Gordon, Holland, Helme, Hoover, Howell, Horton, Hastings, Hunter, Leonard, Love, Lamon, Lewis, Melvin, M'Millan, M'Neill, Melchor, M'Lean, Morgan, E. Mann, M'Farland, Mewborn, Oliver, Pugh, Ramsay, Stedman, Seawell, Sidbury, Sellers, Tillett, Thompson, W. Underwood, D. Underwood, Vann, Webster, Jo. White, S. Whitaker, Weaver, Wilkins, J. Walton, Jno. White, Watson, J. G. A. Williamson, Wright, Wilder, W. Walton—65.

Those who voted in the negative, are

NAYS---Messrs. Ashe, Alford, Blackledge, J. M. Bryan, Brodnax, Croom, Copeland, Carson, Cole, Clement, Edwards, Gary, Graham, Hellen, Hargrave, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Low-

rie, A. Martin, Mebane, M'Daniel, T. N. Mann, R. Martin, Rainey, Shepherd, Strange, Taylor, Turner, J. Whitaker, Worth, Webb, Walker, Whitehurst, Ormond—37.

The bill to alter the present mode of electing Sheriffs, and to vest the right thereof in the free people of this State, was read the second time: Mr. Croom moved that the further consideration of the bill be postponed indefinitely. The question thereon was determined in the affirmative—Yees 55—Nays 50.

Those who voted in the affirmative are,

YEAS—Messrs. Alston, W. D. Barnard, J. M. Bryan, Baker, Brodnax, Bynum, Barrow, Collins, Croom, Carson, Campbell, Edwards, Flynt, Frederick, Gary, Graham, Hargrave, Holland, Helme, Howell, Horton, J. A. Hill, Iredell, R. H. Jones, R. A. Jones, Lowrie, Melvin, M'Neill, M'Millan, M'Lean, A. Martin, T. Mann, E. Mann, M'Farland, Mewborn, Pugh, Rainey, Seawell, Sidbury, Shepherd, Sellers, Strange, Taylor, Turner, W. Underwood, Wilkins, J. Walton, Worth, J. H. White, Watson, J.G. A. Williamson, Wright, Walker, W. Walton, Alford—55.

Those who voted in the negative are,

NAYS—Messrs. Ashe, Blackledge, E. H. Bell, Bowers, Baine, Tho. Bell, C. Barnard, Brooks, Beall, Conrad, L. Cherry, Copeland, J. Cherry, Cole, Clement, Davis, Davenport, Edmondson, Elliott, Forbes, J. Gordon, J. L. Hill, Hoover, Hastings, Hellen, Hunter, Jeter, Leonard, Love, Lamon, Lewis, Melchor, Morgan, Mebane, M'Daniel, R. Martin, Ormond, Stedman, Tillett, Thompson, D. Underwood, Vann, Webster, Jo. White, S. Whitaker, Weaver, J. Whitaker, Webb, Wilder, Whitehurst—50.

The remaining orders of the day were further postponed; and The House adjourned until to-morrow morning, 10 o'clock.

*Wednesday, December 31, 1823.*

The bill to amend and explain the 6th section of an act passed in 1804, entitled “an act for the more perfect organization of the militia of this State,” was read the second time: Mr. Leonard moved that the bill be postponed indefinitely. The question thereon passed in the negative. Yees and Nays called for by Mr. Leonard—Yees 19—Nays 80.

Those who voted in the affirmative, are

YEAS—Messrs. Alford, W. D. Barnard, Bowers, Baker, Brooks, L. Chery, J. Cherry, Frederick, Forbes, Howell, Hellen, Jeter, Leonard, Morgan, M'Farland, Stephens, D. Underwood, Vann, Webster—19.

Those who voted in the negative, are

NAYS—Messrs. Ashe, Blackledge, J. M. Bryan, Baine, T. Bell, C. Barnard, Beall, Brodnax, Bynum, Barrow, Brower, Collins, Conrad, Croom, Carson, Cole, Clement, Campbell, Davis, Davenport, Edmondson, Elliott, Flynt, J. Gordon, Hargrave, J. L. Hill, Holland, Helme, Hoover, Horton, Hunter, J. A. Hill, Iredell, R. A. Jones, R. H. Jones, Lowrie, Love, Melvin, M'Millan, M'Neill, Melchor, M'Lean, A. Mar-

tin, Mebane, T. N. Mann, E. Mann, Mewborn, Ormond, Pugh, Roane, Rainey, Ramsay, Stedman, Seawell, Sidbury, Strange, Tillet, Thompson, Turner, W. Underwood, Jo. White, S. Whitaker, Weaver, Wilkins, J. Whitaker, J. Walton, Worth, J. H. White, Watson, Ward, J. G. A. Williamson, Webb, Wilder, Walker, Whitehurst, W. Walton, Graham, Hastings—80.

The bill was read the third time, and the question, shall the said bill pass and be enrolled, was determined in the affirmative.

On motion, *ordered*, that a message be sent to the Senate, proposing to ballot immediately for Colonel of Cavalry attached to the 9th brigade, and informing that Samuel F. Patterson is nominated for the appointment.

The bill to amend an act passed at the last session of the General Assembly, entitled “an act to provide for the civil list and contingent charges of government,” was read the second and third times.

The bill to explain the second section of an act passed in the year 1806, entitled “an act to revise the militia laws of this state, relative to the infantry,” was read the second and third times. The question shall the said bills pass, was determined in the affirmative. *Ordered*, that the former be enrolled, the latter engrossed.

The bill to extend the time within which commissioners are authorised to receive subscriptions to build a toll-bridge over Dan river, in the county of Caswell, near Milton, and to continue in force an act passed at the last session of the General Assembly, incorporating a company for that purpose; also the bill further to mitigate the severity of executions; also the bill to repeal the 5th section of an act passed in 1812, entitled “an act to amend the militia laws of this state;” also the bill securing to the widows of intestates, the surplus of the personal estate of their deceased husbands, where no kindred claim the same; also the bill to provide for revising and consolidating the acts of the General Assembly concerning administrators and executors, were severally read the second and third times, passed, and ordered to be engrossed.

On motion, *ordered*, that the bill supplementary to an act passed at the last session of the General Assembly, entitled “an act to promote Agriculture and Family Domestic Manufactures within this State,” be referred to Mr. T. N. Mann, Mr. Helme and Mr. Mebane.

The resolution in favour of the heirs of Joseph Cunningham the elder and Joseph Cunningham the younger, was read the second time and rejected.

The bill declaring the punishment of persons of colour, in certain cases; also the bill to amend an act, entitled an act to appoint commissioners to extend the Fayetteville road from Morganton to the line of Tennessee,” passed in 1818; also the bill to amend the militia laws of this state relative to the cavalry; also the bill to amend the

several acts of Assembly respecting weights and measures, were severally read the second and third times, passed, and ordered to be enrolled.

The bill authorising the improvement of Great Cohara Swamp, in the county of Sampson; also the bill to authorise John Patton, of Buncombe county, to convey to Thomas Kensey and others, in trust, a certain portion of the public land, were read the second and third times and rejected.

The resolution instructing the President of the Board of Internal Improvements, was read the second and third times and postponed indefinitely.

The bill to repeal the 9th section of an act passed in 1813, entitled "an act to amend the militia laws of this state," and for other purposes; also the bill to provide a uniform system for the government of courts martial on the trial of officers under arrest, were read the second and third times, passed and ordered to be engrossed.

The resolution in favour of Mr. Appleton, was read the second and third times, and amended and passed. *Ordered*, that the resolution be engrossed.

The resolution in favour of Wm Boylan, and others, was read the second time and postponed indefinitely.

Mr. Bowers, who voted in the majority on the question of indefinite postponement of the bill directing a geological and mineralogical survey of the state, moved that the House do reconsider that vote. The question to concur therewith passed in the affirmative. The bill thereupon, was read the third time, and the question, shall the bill pass, was determined in the affirmative—Yea 53—Nays 38. The Yeas and Nays called for by Mr. Baker.

Those who voted in the affirmative are,

YEAS—Messrs. Ashe, Alford, Blackledge, Bowers, Beall, Brodnax, Conrad, Croom Carson, Copeland, Cole, Campbell, Flynt, J. Gordon, Graham, Hargrave, J. L. Hill, Holland, Helme, Henderson, Hellen, Hunter, J. A. Hill, Iredell, R. A. Jones, Jeter, McMillan, Morgan, Mebane, T. N. Mann, R. Martin, McFarland, Ormond, Roane, Rainey, Ramsey, Seawell, Sidbury, Sellers, Stephens, Strange, Taylor, Thompson, Turner, W. Underwood, D. Underwood, White, J. Whitaker, Ward, Worth, Webb, J. G. A. Williamson, Shepherd—52.

Those who voted in the negative are,

NAYS—Messrs. Alston, W. D. Barnard, Baker, Baine, T. Bell, C. Barnard, Bynum, Barrow, L. Cherry, J. Cherry, Clement, Davis, Edmondson, Elliott, Frederick, Forbes, Howell, Hastings, Love, Lamon, Melvin, Mewborn, A. Martin, Pugh, Stedman, Stephens, Tillett, Vann, Webster, Weaver, Wilkins, J. H. White, J. Walton, Wm. Watson, Wilder, Wright, Whitelhurst, W. Walton—38.

*Ordered*, that the said bill be engrossed.

The bill to authorise the distribution of the militia laws of this state, was read the second and third times, passed, and ordered to be engrossed.

The House then adjourned until 3 o'clock, P. M.

*Evening Meeting.*

On motion, *ordered*, that Mr. M'Lean have leave of absence, after this day, until the end of the session.

Mr. Campbell, from the committee to whom was referred the resolution directing them to enquire into the expediency of granting to James Downing, a military land warrant, for his services in the war of the revolution, reported, that it is inexpedient to grant the warrant prayed for. The report was concurred in.

On motion, *ordered*, that Mr. Boylan have leave to withdraw from the files the papers accompanying his petition.

The resolution in favour of the heirs of Hamon Strickland, received from the Senate, was read the first, second and third times, passed, and ordered to be enrolled.

The bill received from the Senate, to appoint commissioners to view and lay off a road from Salisbury to Beatie's Ford, on the Catawba, was read the first, second and third times, passed, and ordered to be enrolled.

The resolution received from the Senate, in favour of Joseph Gales and Son, was read and concurred with.

The bill received from the Senate, authorising the making and improving a road from Asheville to Rutherfordton, was read the first, second and third times, passed and ordered to be enrolled.

The resolution appropriating money for the completion of the State-House, was read and concurred with, and ordered to be engrossed.

The bill to repair and improve the road leading from Huntsville, in Surry county, to the Virginia line, by the way of Gap Civil in Ashe county, was read the third time, passed, and ordered to be engrossed.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom were referred the petitions of Thomas Price and Washington Price, and the counter petition of Susanna Price, returned the same, and prayed to be discharged from the further consideration thereof. On motion, the committee were discharged.

On motion, the petition of Thomas Price and Washington Price was rejected.

Mr. Blackledge, from the committee of Propositions and Grievances, to whom was referred the petition of John Moring and others, citizens of Chatham, praying to be attached to the county of Orange, returned the petition, and moved that it lie on the table until the 10th of January next; and

Mr. Blackledge, from the same committee, to whom was referred a resolution directing them to enquire into the expediency of reducing the salaries of the Supreme Court Judges, returned the resolution, and moved that it be postponed indefinitely. The question thereon passed in the affirmative.

The bill authorising certain limitations of slaves by deed, was read the second and third times, passed, and ordered to be engrossed.

The bill for the relief of female debtors, received from the Senate, was read the first, second and third times; and also the bill to amend an act, entitled "an act to appoint commissioners to view and lay off the road leading from the town of Wilkesborough to Mrs. Bogle's, in Iredell county," was read the third time. The question shall the said bills pass and be enrolled, passed in the affirmative.

The bill prescribing the duty of constables and other officers, in certain cases, was read the third time; also the bill to amend an act passed in 1810, entitled "an act to establish a separate regiment in the county of Robeson," was read the second time; also the bill to legalise and render valid certain grants therein mentioned, was read the third time. These bills were severally rejected.

The bill to alter the names and legitimate John Hunt and others, received from the Senate; also the bill to appoint commissioners to lay off the state road from John Lyle's to Absalom Bowers' old place, and for other purposes, were severally read the second and third times, passed and ordered to be enrolled.

The bill to amend and extend the provisions of an act, entitled "an act to promote Agriculture and Family Domestic Manufactures within this State," was read the first, second and third times, passed, and ordered to be enrolled.

The resolution received from the Senate, in favour of the Treasurer, was read the first, second and third times, passed, and ordered to be enrolled.

The resolution received from the Senate, concerning the militia laws of this state, was read the first, second and third times, passed, and ordered to be enrolled.

The House proceeded to consider the resolution reported on the 22d instant, in the following words :

*Resolved*, that his excellency the Governor be, and he is hereby authorised to draw his warrant on the Public Treasurer in favor of the State Architect, for such part of the said Architect's salary, as may be proportionate to the time he may remain in the service and employment of the State, provided the same does not exceed a longer time than three months, and that the Treasurer be allowed the same in the settlement of his accounts.

*Resolved further*, That the rule requiring resolutions of this nature to be read three times, be dispensed with so far as respects this resolution.

Mr. Campbell moved that the further consideration of this resolution be postponed indefinitely. The question thereon was determined in the negative.—Yeas 47, Nays 51. The yeas and nays called for by Mr. Baker.

Those who voted in the affirmative, are

YEAS—Messrs. Ashe, Alston, Alford, W. D. Barnard, T. Bell, C. Barnard, Beall, Barrow, Collins, J. Cherry, L. Cherry, Clement, Campbell, Davis, Elliott, Flynt, Frederick, Forbes, J. Gordon, Helme, Howell, Hastings, Lamon, Lewis, Melvin, Mebane, M'Farland, Mewborn, Ormond, Pugh, Roane, Stedman, Seawell, Stephens, Sidbury,

Tillett, D. Underwood, Vann, Webster, J. White, J. Walton, Watson, Wilder, Walker, W. Walton, Whitchurst—47.

**Those who voted in the negative, are**

**NAYS**—Messrs. Blackledge, J. M. Bryan, Baker, Brower, Baine, Brodnax, Bynum, Conrad, Croom, Copeland, Carson, Dargan, Davenport, Edmondson, Gary, Graham, Hargrave, J. L. Hill, Holland, Horton, Hoover, Hellen, Hunter, J. A. Hill, R. A. Jones, Jeter, Iredell, R. H. Jones, Leonard, Love, M'Millan, Morgan, M'Neill, A. Martin, R. Martin, Ramsay, Rainey, Shepherd, Strange, Thompson, Taylor, Turner, W. Underwood, S. Whitaker, J. Whitaker, Worth, J. H. White, Ward, J. G. A. Williamson, Webb, Wright—51.

*Ordered*, that said resolution be engrossed.

The petition of Titus Jennings Turner ordered to lie on the table, was taken up, read and rejected.

Mr. Blackledge presented a resolution allowing the Engrossing Clerks, each twenty dollars for extra services. The question to concur with the resolution passed in the negative.

The report of the Judiciary Committee, recommending the passage of a bill fixing the time for giving notice to endorsers of bonds and notes in certain cases, ordered to lie on the table, was taken up and concurred with, and the bill recommended read the first time and rejected.

The resolution ordered to lie on the table, instructing the Board of Internal Improvements to have surveyed New River and White Oak River, was taken up, read and rejected.

The House then adjourned until to-morrow morning 7 o'clock.

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*Thursday, January 1, 1824.*

Mr. Mebane, from the select committee on the memorial of the Board of Trustees of the University, made a report recommending the adoption of the following resolution :

*Resolved*, That His Excellency the Governor be requested to address a memorial to the Congress of the United States, requesting that honorable body to make provision for satisfying out of the lands ceded by this State to the United States, such claims as have been judged valid by this State under the cession act of 1789 and which remain unsatisfied.

The question to concur with the resolution passed in the affirmative.

**On motion of Mr. Mebane,**

*Resolved*, That the Public Treasurer pay Bell & Lawrence sixty-six dollars for printing, previous to the election of Public Printer, this session.

The resolution read three times, passed and ordered to be engrossed.

Received from the Senate, a resolution constituting the Treasurer, Secretary and Comptroller, a Board for the superintending the application of the fund set apart for the completion of the Capitol, &c. and discharging the State Architect. The resolution was concurred with.

Mr. Mebane presented a bill concerning military land warrants and entries in John Armstrong's office, which was read the first time and postponed indefinitely.

The report of the Committee of Finance charged with the duty of counting and burning the Treasury notes unfit for circulation, stating that they had burnt five thousand six hundred and ninety-six dollars and twenty-five cents, was read and concurred with.

A message from the Senate informing that they had postponed indefinitely the resolution retaining the State Architect.

On motion of Mr. Blackledge, *ordered*, that a message be sent to the Senate informing of the readiness of the House to adjourn *sine die*.

A message from the Senate, by their Clerk Assistant, informing that they were ready to adjourn without day.

On motion of Mr. Pugh,

*Resolved*, That the thanks of this House are due to the Honorable Alfred Moore, for the able, dignified and impartial manner in which he has discharged the duties of the Chair, during the present session.

The Speaker thereupon made his acknowledgments to the House, and adjourned it *sine die*.

ALFRED MOORE,  
*Speaker of the House of Commons.*

By order,

P. HENDERSON, C. H. C.

